

# EXHIBIT I

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CIVIL ACTION NO. 17-0889

DARUS HUNTER and KENYA :  
SHUJAA :

Plaintiffs, :

vs. :

CITY OF PHILADELPHIA,  
ROBERT SCHUTTE, MICHAEL:  
NAVEDO and MICHAEL  
MELVIN, :

Defendants. :

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TUESDAY, SEPTEMBER 11, 2018  
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Oral deposition of MICHAEL NAVEDO held at the  
Law Offices of Dechert, LLP, Cira Centre, 2929 Arch  
Street, Philadelphia, Pennsylvania, commencing at  
9:54 a.m., by and before Jo-Anne M. Bosler,  
Professional Shorthand Reporter and Notary Public.

-----  
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1601 Market Street - Suite 800  
Philadelphia, Pennsylvania 19103  
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Michael Navedo  
September 11, 2018

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**Michael Navedo**  
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1            (By agreement of counsel,  
2     the signing, sealing, certification  
3     and filing are waived; and all  
4     objections, except as to the form  
5     of the question, are reserved until  
6     the time of trial.)

7            - - -

8            MICHAEL NAVEDO, having been  
9     duly sworn, was examined and testified  
10    as follows:

11           - - -

12           EXAMINATION

13           - - -

14           MR. MCCLAM: Do you want  
15    us to introduce ourselves?

16           THE COURT REPORTER: If  
17    you'd like.

18           MR. MCCLAM: John McClam  
19    on behalf of plaintiff Kenya  
20    Shujaa.

21           MS. LASTOWSKI: Alexandra  
22    Lastowski on behalf of plaintiff  
23    Darus Hunter.

24           MS. YOUNG: Michaela Young

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1 on behalf of plaintiff.

2 MS. LASTOWSKI: And our  
3 client is here.

4 MR. HUNTER: Darus Hunter,  
5 plaintiff, being represented by  
6 these two today.

7 MS. FUNG: Tara Fung on  
8 behalf of Officer Navedo.

9 MR. NAVEDO: Officer  
10 Navedo.

11 BY MR. MCCLAM:

12 Q. Good morning, Officer Navedo. My  
13 name is John McClam. I'm going to be  
14 taking your deposition today.

15 Can you please state your full name  
16 for the record?

17 A. Michael Navedo.

18 Q. Have you ever been deposed before?

19 A. Nope.

20 Q. Before we start I'm going to go  
21 over a couple of preliminary instructions.  
22 I'm going to be asking you questions and  
23 you'll need to answer those questions  
24 orally. The court reporter here is going

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1 to be writing down every word we say. So  
2 if I ask a yes and no question you'll need  
3 to answer yes or no because the court  
4 reporter can't register head nods or  
5 shakes of the head.

6 Do you understand?

7 A. Understand.

8 Q. If you don't understand a question  
9 you're welcome to ask for a clarification  
10 and I'll do my best to clarify. If you  
11 don't ask for a clarification I'll assume  
12 that you understood the question.

13 Do you understand?

14 A. Yes, sir.

15 Q. Anytime you need a break just let  
16 me know and we can take one. However, I  
17 ask that if a question is outstanding that  
18 you answer the question first.

19 Do you understand?

20 A. Yes.

21 Q. Your attorney may object during the  
22 deposition; however, unless your attorney  
23 instructs you not to answer you must  
24 answer the question.

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1           Do you understand?

2           A.   Yes.

3           Q.   Do you understand these  
4   instructions that I just read to you?

5           A.   Yes.

6           Q.   Are you feeling well enough to  
7   testify today?

8           A.   Yes.

9           Q.   Were you working last night?

10          A.   Yes.

11          Q.   So how long have you been awake  
12   for?

13          A.   Since 2 o'clock yesterday.

14          Q.   2 o'clock yesterday afternoon?

15          A.   Yes.

16          Q.   Do you anticipate that will have  
17   any impact on your ability to testify  
18   truthfully and accurately today?

19          A.   No.   It's fine.   I want to --

20                   THE COURT REPORTER:   I'm  
21                   sorry.   What was that?

22                   THE WITNESS:   I just would  
23                   like to get this over with.

24

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1 BY MR. MCCLAM:

2 Q. So we're clear so that she can hear  
3 you and create an accurate records I'll  
4 ask that you speak a little bit louder  
5 than you might otherwise, and to  
6 articulate as clearly as possible. Okay?

7 A. Yes.

8 Q. Are you taking any medications that  
9 might impair your memory or ability to  
10 testify today?

11 A. No.

12 Q. Is there any other reason why you  
13 might not be able to testify truthfully  
14 and accurately today?

15 A. No.

16 Q. Have you done anything to prepare  
17 for testifying today?

18 A. Other than reviewing notes with my  
19 attorney.

20 Q. When did you meet with your  
21 attorney?

22 A. Yesterday.

23 Q. For how long?

24 MS. FUNG: What's the

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1 relevance to that?

2 MR. MCCLAM: Do you have  
3 an objection?

4 MS. FUNG: Yes.

5 Objection. What is the relevance  
6 of the question?

7 MR. MCCLAM: I don't have  
8 to answer your question.

9 BY MR. MCCLAM:

10 Q. How long did you meet with your  
11 attorney?

12 MS. FUNG: You don't have  
13 to answer that.

14 MR. MCCLAM: Is it your  
15 position that that's privileged?

16 MS. FUNG: Yeah. I mean  
17 what is your basis for that? My  
18 objection is relevance. He's not  
19 answering the question.

20 MR. MCCLAM: Relevance is  
21 not a valid objection for not  
22 answering a question. If you  
23 have --

24 MS. FUNG: I'm asking you

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1           what is your basis for the  
2           question?

3                   MR. MCCLAM:   How long --  
4           are you taking your attorney's  
5           advice not to answer the question?

6                   MS. FUNG:   Go ahead.  
7           Answer it.

8                   THE WITNESS:   Answer the  
9           question?

10                   MS. FUNG:   Yeah.   Answer  
11           the question.

12                   THE WITNESS:   Probably,  
13           like, a half hour.

14   BY MR. MCCLAM:

15           **Q.   Did you review documents while you**  
16           **were meeting with your attorney?**

17           A.   A few.

18           **Q.   Did you review any documents in**  
19           **preparation for your deposition today when**  
20           **you were not with your attorney?**

21           A.   No.

22           **Q.   Did you talk with anyone besides**  
23           **your attorney in preparing for your**  
24           **deposition today?**

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1 A. No.

2 Q. Have you talked with Officer  
3 Schutte since the incident -- since in  
4 September -- let me start over.

5 You recognize that we're here today  
6 to talk about an incident that occurred on  
7 September 14th, 2015; correct?

8 A. Yes.

9 Q. Have you talked to Officer Schutte  
10 since that time about the incident?

11 A. No.

12 Q. Have you talked to anybody besides  
13 Officer Schutte and your attorney about  
14 the incident?

15 A. No.

16 Q. I'm not trying to trick you up; you  
17 did give a statement to Internal Affairs?

18 A. Oh, well, yeah. Yeah. Regarding  
19 that, yes.

20 Q. Anything outside of Internal  
21 Affairs?

22 A. No.

23 Q. Have you read the complaint in this  
24 matter?



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1       A. Some of it. I didn't read the  
2       entirety of the document. I just skimmed  
3       through it.

4       **Q. What do you understand this**  
5       **litigation to be about?**

6       A. Apparently the female that was with  
7       him that night was pregnant, and  
8       apparently what he's saying is that we  
9       made forced entry into the home and the  
10      door was forcefully pushed in, knocking  
11      her down and causing a miscarriage. And I  
12      believe we also, apparently -- from what  
13      he's saying -- we searched the home  
14      illegally.

15      **Q. Okay.**

16      A. If that's accurate.

17      **Q. So you understand when I'm**  
18      **referring to the incident that I'm**  
19      **referring to your interactions with**  
20      **plaintiffs on the early morning of**  
21      **September 14th, 2015?**

22      A. Correct.

23      **Q. And you understand that plaintiffs**  
24      **in this case are Darus Hunter and Kenya**

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1 Shujaa?

2 A. Yes.

3 Q. Have you ever testified in any  
4 proceeding other than a deposition?

5 A. Are you talking about a court  
6 proceeding or, like, internal affairs  
7 stuff?

8 Q. Like court proceeding, any time  
9 where you would be under oath?

10 A. Yes.

11 Q. How many times?

12 A. I can't give you an exact number.  
13 It could very well be in the thousands  
14 now.

15 Q. You understand that you're under  
16 oath today just as if you were in one of  
17 those court proceedings?

18 A. Excuse me.

19 Q. You understand that you're under  
20 oath --

21 A. Yes.

22 Q. -- for your testimony today just as  
23 if you were in front of a judge and in a  
24 courtroom?

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1 A. Yes.

2 Q. Just so we're clear, so that we can  
3 have a clear record, please wait until I'm  
4 finished with my question before you  
5 answer?

6 A. Okay. Sorry.

7 Q. No worries.

8 THE COURT REPORTER: Also,  
9 keep your voice up. You're  
10 fading.

11 THE WITNESS: Okay.

12 BY MR. MCCLAM:

13 Q. Have you ever been sued before?

14 A. Yeah.

15 Q. In what context?

16 A. Personal.

17 Q. Related to your work as a police  
18 officer?

19 A. No.

20 Q. What was the suit related to?

21 A. That's irrelevant.

22 Q. Can you -- when was the lawsuit?

23 A. A couple of years ago.

24 Q. Was it before 2015?

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1 A. Don't know. I don't recall.

2 Q. Can you give me the broad strokes  
3 without getting into the details about the  
4 context?

5 A. That's my personal business. That  
6 I will not share with you.

7 Q. What's your educational background?

8 A. Some college.

9 Q. Where did you attend college?

10 A. Berkeley.

11 Q. What years about?

12 A. Between 2007, I believe it is.

13 Yeah, about seven -- between seven and  
14 nine.

15 Q. How many years were you enrolled at  
16 Berkeley?

17 A. That was one year. And then I did  
18 a little bit at Middlesex County College.

19 Q. Middlesex?

20 A. Yeah.

21 Q. From what years were you at  
22 Middlesex?

23 A. Probably around 2005. Right after  
24 high school.

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1           **Q. Is that before you went to**  
2   **Berkeley?**

3           A. Yes. Berkeley was after.

4           **Q. What did you study at Middlesex?**

5           A. Middlesex -- at that time it was  
6   for mechanical engineering. At Berkeley I  
7   became a business management.

8           **Q. Did you graduate from Berkeley?**

9           A. No.

10          **Q. What did you do after you left**  
11 **Berkeley?**

12          A. Why is this relevant?

13          **Q. Just background information.**

14          A. I understand that, but that's  
15   personal. I really don't understand why  
16   my personal life has anything to do with  
17   this.

18                   MS. FUNG: He can ask you  
19                   some basic background questions.  
20                   He's not going to get super in  
21                   depth, but your educational  
22                   history and things like that he's  
23                   allowed to ask you. If there's  
24                   something you want to discuss with

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1           me and something you don't feel  
2           comfortable sharing that's another  
3           thing. But --

4                   THE WITNESS: I don't feel  
5           comfortable sharing anything in my  
6           life.

7                   MS. FUNG: He's just going  
8           to ask you basic background  
9           questions. It's not going to get  
10          too in depth. If you feel it's  
11          too in depth you can let me know.

12                   THE WITNESS: I feel it's  
13          too in depth.

14                   MS. FUNG: What's the  
15          question pending?

16                   MR. MCCLAM: I think it's  
17          what he did after he left  
18          Berkeley.

19                   MS. FUNG: Can you clarify  
20          your question?

21   BY MR. MCCLAM:

22           **Q. In terms of employment did you get**  
23   **a job after you left Berkeley?**

24           A. Yes. I work all throughout. Yeah.

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1           **Q. What was your first job after you**  
2   **left Berkeley?**

3           A. I know I was working at Shop Rite.  
4   And I worked for the ---- Municipal Court.

5                       THE COURT REPORTER: For  
6           what municipal court?

7                       THE WITNESS: ----  
8           Municipal Court.

9                       THE COURT REPORTER:  
10          Millbridge?

11                      THE WITNESS: Woodbridge.

12                      THE COURT REPORTER:  
13          Woodbridge, okay.

14   BY MR. MCCLAM:

15           **Q. From what years did you work at**  
16   **Shop Rite?**

17          A. What --

18                      MS. FUNG: Can we go off  
19          the record for a second, please?

20                      MR. MCCLAM: Sure.

21                      (Discussion was held off  
22          the record.)

23   BY MR. MCCLAM:

24           **Q. Do you recall approximately what**

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1    **years you worked at Shop Rite?**

2           A.   Not really.  I mean I worked there  
3   for three years, I think it was.

4           **Q.   What did you do at Shop Rite?**

5           A.   Basically a clerk, because I worked  
6   in all departments; grocery, cashier,  
7   seafood, meat.

8           **Q.   What did you do after you worked at**  
9   **Shop Rite?**

10          A.   Worked at Woodbridge Municipal  
11   Court.

12          **Q.   What did you do at Woodbridge?**

13          A.   My title was a desk clerk typist.

14          **Q.   What did you do -- when did you**  
15   **stop working at Woodbridge Municipal**  
16   **Court?**

17          A.   It was only for, like, nine months.

18          **Q.   What did you do after you worked at**  
19   **Woodbridge Municipal Court?**

20          A.   I worked at TSA.

21          **Q.   Do you recall for what period of**  
22   **time you worked for TSA?**

23          A.   I'm sorry, TSA was three years.  
24   And Shop Rite, I believe, that was, like,



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1 four or five.

2 Q. For what years did you work at TSA?

3 A. I don't recall what years. That  
4 was just before this job.

5 Q. Okay. So when did you start at the  
6 Philadelphia Police Department?

7 A. So I guess '07 to '10.

8 Q. So '07 to '10 as TSA agent?

9 A. Yeah.

10 Q. Were you a TSA agent?

11 A. Yes.

12 Q. What does a TSA agent do?

13 A. Screen bags for any contrabands,  
14 explosives, anything like that.

15 Q. What did you do after you were a  
16 TSA agent?

17 A. Also checked -- as well.

18 THE COURT REPORTER: Also  
19 checked bags, you said?

20 THE WITNESS: Passengers.

21 THE COURT REPORTER:

22 Passengers. Okay.

23 BY MR. MCCLAM:

24 Q. What did you do after you were a

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1     **TSA agent?**

2           A.   I came here to Philadelphia.

3           **Q.   To the Philadelphia police**

4     **Department?**

5           A.   Yes.

6           **Q.   Do you recall what your start date**  
7     **was at the Philadelphia Police Department?**

8           A.   February 22nd, 2010.

9           **Q.   What was your title when you first**  
10    **started at the Philadelphia Police**  
11    **Department?**

12          A.   Officer.

13          **Q.   Do you have the same title today?**

14          A.   Yes.

15          **Q.   Before you started as an officer at**  
16    **the Philadelphia Police Department, in**  
17    **February of 2010, did you have to go**  
18    **through any special training?**

19          A.   Before?

20          **Q.   Before, yes.**

21          A.   Are you talking about the academy?

22          **Q.   Any training?**

23          A.   Yeah.   We have to -- once you get  
24    up in -- you enter the academy you would

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1 have been there for, like, eight months.

2 Q. So did your time at the academy  
3 start on February 22nd, 2010?

4 A. Yes.

5 Q. And you were at the academy for  
6 eight months?

7 A. Yes.

8 Q. What kind of training did you have  
9 at the academy?

10 A. We receive -- basically, you study  
11 the law; motor vehicle laws, criminal law.  
12 Well, hand-to-hand combat, physical  
13 training. That's pretty much it. Oh, and  
14 driver's ed -- so basically aggressive  
15 driving.

16 Q. Did you have courses that you had  
17 to take while you were at the academy?

18 A. What do you mean courses?

19 Q. Well, did you have to take any  
20 tests?

21 A. Yes. There were tests.

22 Q. Did you ever fail any tests while  
23 you were at the academy?

24 A. No.

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1           Q.   You said you're an officer today;  
2   is that right?

3           A.   Yes.

4           Q.   Do you have a partner?

5           A.   No.

6           Q.   How long have you not had a  
7   partner?

8           A.   A few months.   Three months.

9           Q.   Three months?

10          A.   No, about four months.

11          Q.   Before three or four months ago did  
12   you always have a partner?

13          A.   I had a steady partner for about  
14   six months.

15          Q.   Who was that?

16          A.   Officer Chestnut.

17          Q.   Who's your supervisor today?

18          A.   Sergeant Skasiac.

19                   THE COURT REPORTER:

20                   Sergeant who?

21                   THE WITNESS:   Skasiac.

22                   THE COURT REPORTER:   Do  
23   you have a spelling for that?

24                   THE WITNESS:

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1 S-k-a-s-a-i-k -- no, a-c, I'm

2 sorry, i-a-c.

3 BY MR. MCCLAM:

4 Q. In September of 2015 did you have a  
5 partner?

6 A. Yes.

7 Q. Who was that?

8 A. Officer Schutte.

9 Q. For how long was Schutte your  
10 partner for?

11 A. I'll say about three years.

12 Q. Three years?

13 A. About three years. Yeah.

14 Q. For what period of time -- let me  
15 start over.

16 When did he start as your partner?

17 A. I don't know the timeframe.

18 It's -- you're asking me timeframes --

19 Q. Sure.

20 A. -- I can't recall that.

21 Q. Do you know when Officer Schutte  
22 started on the force?

23 A. No.

24 Q. Was it early 2015?

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1 A. Probably around there. Yeah.

2 That's about right.

3 Q. Do you know if he had a different  
4 partner before he started working with  
5 you?

6 A. He worked with a few other people  
7 and eventually we became steady partners.

8 Q. Became steady partners?

9 A. Steady partners.

10 Q. Do you know how long you had been  
11 partners before September 2015?

12 A. No.

13 Q. Who was your supervisor in  
14 September of 2015?

15 A. I believe it's Sergeant Davis.

16 Q. Who is Sergeant Davis?

17 A. He's been a sergeant of mine for  
18 years. So it's safe to say he was my  
19 sergeant at the time.

20 Q. What shifts do you normally work  
21 now?

22 A. Right now?

23 Q. Hmm-mm.

24 A. 10:45 to seven. 10:45 p.m. to 7

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1 a.m.

2 Q. Sorry. Could you say that again?

3 A. 10:45 p.m. to seven in the morning.

4 Q. Did you work the same shift in  
5 September of 2015?

6 A. No.

7 Q. What shift did you work?

8 A. It was 11:45 to eight. I'm sorry.

9 It was 11:45 till eight in the morning.

10 Q. Thank you.

11 Have you always worked nights since  
12 you started at Philadelphia Police  
13 Department?

14 A. Not always.

15 Q. In September of 2015, were you  
16 primarily working nights?

17 A. Yes.

18 Q. Do you recall who your supervisor  
19 was on the early morning of September  
20 14th, 2015?

21 A. The only thing I recall is that the  
22 lieutenant was there. So I'm not sure if  
23 my sergeant was there for that night.

24 Q. Who is the lieutenant?

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1 A. Disanto.

2 Q. So if the sergeant wasn't there  
3 would Lieutenant Disanto be your  
4 supervisor?

5 A. Yes.

6 Q. If they're both there are they both  
7 your supervisor?

8 A. Yes. But we answer to the  
9 sergeant. It goes by rank.

10 Q. Sure. Can you give me a brief  
11 tutorial of the rank from, I guess,  
12 officer after sergeant?

13 A. Officer, corporal -- which would be  
14 the inside, they wouldn't be in the  
15 street; so they would be in charge of the  
16 operations room -- then it goes to  
17 sergeant and lieutenant and captain.

18 Q. Was Officer Schutte your partner on  
19 September 14th, 2015?

20 A. Yes.

21 Q. Have you ever been subject to any  
22 disciplinary actions at the Philadelphia  
23 Police Department?

24 A. Yes.



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1           **Q. Can you describe those disciplinary**  
2   **actions?**

3           A. Well, I can't describe them because  
4 I don't know what the exact disciplines  
5 were.

6           **Q. So there have been disciplinary**  
7   **actions taken against you; correct?**

8           A. Yes.

9           **Q. Do you recall when?**

10          A. Excuse me.

11          **Q. How many?**

12          A. Two or three.

13          **Q. When was the first one?**

14          A. I guess that would be when I was  
15 foot beat when I first started.

16          **Q. What did your superior say that you**  
17   **had done wrong?**

18          A. Well, I didn't do anything wrong.  
19 What happened in that matter that's  
20 something that took place with other  
21 officers and I got charged with the fall  
22 because I was the new guy.

23          **Q. You got charged with the fall? I'm**  
24   **not sure I understand.**

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1       A. Apparently, it was some sort of a  
2       noise complaint. We went there -- me and  
3       a veteran officer went to that location  
4       and told them to put it down. Apparently,  
5       another set of officers went there after  
6       us and between there they got physical.  
7       So they said because I was the one with  
8       the least seniority that I was the one  
9       getting the counselling memo for that  
10      situation, because it involved all of us.

11       **Q. What is a counseling memo?**

12      A. It's like an in-district slap on  
13      the hand. It usually doesn't go anywhere.

14       **Q. Who decided that you were going to**  
15      **get the counseling memo?**

16      A. The -- I'm not sure if it was  
17      the -- I guess it would be the sergeant  
18      that gave it to me. But from what I  
19      recall, I was in the captain's office --  
20      no, no, no, I'm sorry -- the lieutenant's  
21      office that gave me the form and I had to  
22      sign it.

23       **Q. You mentioned there was one other**  
24      **disciplinary action.**

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1                   **What was the other incident?**

2           A.   It was involving an accidental  
3   discharge.

4                   THE COURT REPORTER:   An  
5           accidental discharge?

6                   THE WITNESS:   Yes.

7   BY MR. MCCLAM:

8           **Q.   Can you describe that incident?**

9           A.   It was basically they were  
10   conducting a car stop.   A car -- I mean do  
11   I have to say the whole thing?

12           **Q.   Just briefly.**

13           A.   Basically, the way that we were  
14   conducting this car stop, like once we got  
15   out the car started moving forward.   It  
16   popped the curb, came down and the guy  
17   dove down to the passenger's seat.   We  
18   came out the car with the weapon drawn,  
19   because -- not at the car but on our  
20   side -- because we thought he was looking  
21   for a weapon.   So as we went up to the car  
22   I was on top of the sidewalk.   There was  
23   an upgrade on the sidewalk -- basically a  
24   lip -- I tripped over it and I fired

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1 accidentally as my finger slipped down on  
2 the trigger and it struck the vehicle in  
3 the rear quarter panel. Nobody was hurt.

4 Q. Got it.

5 Are those the only two disciplinary  
6 actions since you've been in the  
7 Philadelphia Police Department?

8 A. There's one more, but that's an  
9 open case.

10 Q. Can you describe that incident?

11 A. No. I'm not allowed to, because  
12 it's an open matter.

13 Q. When did that -- when was the  
14 incident?

15 A. About a little over a year ago.

16 Q. So the incident involving a  
17 shooting of somebody -- of a civilian?

18 A. Yeah.

19 Q. Have you ever been the subject of  
20 an Internal Affairs investigation?

21 A. Yeah.

22 Q. How many times?

23 A. Don't know.

24 Q. More than two?

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1       A. I don't recall. I get sent notices  
2 all the time so. Whether I'd be a target  
3 or not, I don't recall.

4       **Q. Can you recall the subject matter**  
5 **of the investigations?**

6       A. No.

7       **Q. Are they alleged that you've done**  
8 **something wrong?**

9       A. I don't recall any of the  
10 situations.

11       **Q. Has anyone ever filed a citizen's**  
12 **complaint against you?**

13       A. Yes.

14       **Q. How many times?**

15       A. Don't know.

16       **Q. More than two?**

17       A. No, I don't know.

18       **Q. You don't know if there's --**

19       A. I don't know because it's the same  
20 thing, you just go to Internal Affairs and  
21 you talk to them. So I don't know.

22               Every year we go up there  
23 periodically. You're in the 12th so it  
24 happens pretty often.

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1           **Q.    Would you say there's been more**  
2           **than five?**

3           A.    Five what?

4           **Q.    Citizen's complaints?**

5           A.    I don't know.

6           **Q.    How is a citizen's complaint**  
7           **reported to you?**

8           A.    It's not reported.

9                   What do you mean, reported to me?

10          **Q.    How do you become aware of a**  
11          **citizen's complaint?**

12          A.    On the board, the radio board that  
13          we have on the computer, it will be out  
14          there as a complaint on police and the  
15          supervisor would have to go out there.

16          **Q.    The supervisor would go and talk to**  
17          **the --**

18          A.    Complainant.

19          **Q.    Is that any time there's a**  
20          **complaint against a police officer?**

21          A.    Not necessarily. They can also go  
22          to the district and file a complaint.

23          **Q.    But it's a supervisor that takes**  
24          **care of it -- a complaint against a --**

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1 A. Yeah.

2 Q. -- police officer?

3 A. Yes.

4 Q. And, sir, just so we have a clear  
5 record, let me finish my question before  
6 you answer. Okay?

7 A. I'm sorry. I'm sorry.

8 Q. Yeah. I talk kind of slow so when  
9 you see an opening it can be hard not to  
10 jump in.

11 MR. MCCLAM: Could you  
12 read the last question back.

13 (Whereupon, the reporter  
14 read back the last question.)

15 BY MR. MCCLAM:

16 Q. Have you ever been arrested before?

17 A. No.

18 Q. Have you ever been convicted of a  
19 crime?

20 A. Why is this relevant?

21 Q. Just background.

22 A. Should I answer that?

23 MS. FUNG: Let's go off  
24 the record a second.

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1 MR. MCCLAM: Well, history  
2 is clearly relevant.

3 MS. FUNG: Yeah. I just  
4 need a second.

5 MR. MCCLAM: Do you want  
6 to step outside?

7 MS. FUNG: Yeah, please.

8 (Discussion was held off  
9 the record.)

10 BY MR. MCCLAM:

11 Q. Have you ever been convicted of a  
12 crime as an adult?

13 A. No.

14 Q. Have you ever been arrested as an  
15 adult?

16 A. No.

17 Q. And as an adult -- let me start  
18 over. As an adult I mean as of the age of  
19 18 or older; correct?

20 A. Right.

21 Q. And your answer wouldn't change  
22 based on that understanding of an adult;  
23 correct?

24 A. Correct.



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1           **Q. What is your relationship with**  
2           **Officer Schutte?**

3           A. I have a question, if I may ask?

4           **Q. Sure.**

5                       MS. FUNG: Is this off the  
6           record or on the record?

7                       THE WITNESS: Off the  
8           record.

9                       MR. MCCLAM: Off the  
10          record.

11                      (Discussion was held off  
12          the record.)

13       BY MR. MCCLAM:

14           **Q. What is your relationship with**  
15           **Officer Schutte?**

16           A. He's a colleague.

17           **Q. Is he your partner today?**

18           A. No.

19           **Q. You testified earlier that he was**  
20           **your partner for about three years; is**  
21           **that right?**

22           A. Yes.

23           **Q. Were you guys friends outside of**  
24           **work?**

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1 A. Yes.

2 Q. How would you describe your  
3 friendship as of September 2015?

4 A. As of September?

5 Q. As of September 2015?

6 A. Like a brother.

7 THE COURT REPORTER: He's  
8 what?

9 THE WITNESS: He's like a  
10 brother.

11 BY MR. MCCLAM:

12 Q. What do you mean when you say, like  
13 a brother?

14 A. He wasn't born through my mom or  
15 dad, but I consider him as such.

16 Q. Did you know Officer Schutte before  
17 you started working together?

18 A. No.

19 Q. Did you think of yourself as a  
20 mentor to Officer Schutte?

21 A. Yes.

22 Q. Did you help train Officer Schutte?

23 A. Yes.

24 Q. In what way?

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1       A. They pair up new guys with veteran  
2 officers and, you know, try to teach them  
3 the ropes, how to handle jobs and things  
4 like that on the streets.

5       **Q. So were you responsible for**  
6 **teaching Officer Schutte how to handle**  
7 **jobs?**

8       A. I wasn't responsible for it. I was  
9 just -- he can either take it or leave it.  
10 It's totally up to him. The police  
11 academy trains you to do what you need to  
12 do.

13       **Q. As your partner did you and Officer**  
14 **Schutte have the same shifts?**

15       A. Yes.

16       **Q. Was he your -- was he your partner**  
17 **on every single shift as long as both of**  
18 **you were healthy and didn't call out sick?**

19       A. For the most part. I mean there's  
20 days if we were short of manpower we would  
21 be solo.

22       **Q. How did you become partners with**  
23 **Officer Schutte?**

24       A. They just paired me up and liked

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1    how we worked together, and the chemistry,  
2    and we just kept as partners.

3           **Q.   Do you know if Officer Schutte had**  
4    **any other partners before you and him were**  
5    **paired up?**

6           A.   Yeah.  He was partnered up with a  
7    few other guys, but I don't know who they  
8    were.

9           **Q.   Do you know how long he was**  
10   **partnered up with other guys?**

11          A.   No.

12          **Q.   Would you say Officer Schutte was**  
13   **inexperienced as of September of 2015?**

14                   MS. FUNG:  Objection.

15                   Calls for -- or objection to form.

16                   You can answer the question.

17                   THE WITNESS:  I'm sorry.

18                   MS. FUNG:  I objected, but  
19                   you can still answer the question.

20                   THE WITNESS:  And what was  
21                   your question?

22                   MR. MCCLAM:  Do you want  
23                   me to repeat it?  This is one of  
24                   the weird things about depositions

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1           where she will make objections but  
2           you're allowed to answer the  
3           question unless she objects. It  
4           takes a little awhile to get used  
5           to.

6                       I'll ask the question  
7           again.

8 BY MR. MCCLAM:

9           **Q. Was Officer Schutte, in your**  
10          **opinion, inexperienced as of September of**  
11          **2015?**

12          A. No.

13          **Q. As of September '15, Officer**  
14          **Schutte had only been on the force for**  
15          **less than a year; correct?**

16          A. In Philadelphia, yes.

17          **Q. Did Officer Schutte work at a**  
18          **different precinct beforehand?**

19          A. Yes, he did.

20          **Q. Do you know for how long?**

21          A. I think -- don't -- it's general --  
22          I think it was two years at Temple Police.

23          **Q. At Temple?**

24          A. For Temple Police.

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1           **Q.   At Temple University?**

2           A.   Yes.

3           **Q.   What's your relationship with**  
4           **Lieutenant Disanto?**

5           A.   He was my superior.

6           **Q.   Were you friends with Lieutenant**  
7           **Disanto outside of work?**

8           A.   No.

9           **Q.   What's the role of a supervisor on**  
10          **patrol?**

11          A.   To ensure that any type of decision  
12          we need to make on certain jobs they have  
13          to basically make for us; whether it be  
14          how to handle a job a certain way, or  
15          delegate who is taking a job -- like how  
16          you divide it up, whether who's  
17          transporting somebody or taking a  
18          complainant somewhere or a prisoner  
19          somewhere.

20          **Q.   What kind of scenarios would the**  
21          **supervisor have to decide how to handle a**  
22          **job?**

23          A.   An active shooter or, I guess, like  
24          maybe a questionable one, like a job

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1 that's complicated that has to be, like, a  
2 special victim's job. Or any type of  
3 officer that's involved in an accident or  
4 shooting or something like that, they have  
5 to make decisions and delegate what goes  
6 on there.

7 If there's any type of fire or  
8 major event, they have to delegate and set  
9 up a staging area and all that other  
10 stuff.

11 **Q. Do calls ever come over the radio**  
12 **specifically requesting a supervisor?**

13 A. Yes.

14 MS. FUNG: I'm sorry. Can  
15 we go off.

16 (Discussion was held off  
17 the record.)

18 BY MR. MCCLAM:

19 **Q. I'm going to start over. Do calls**  
20 **ever come over the radio specifically**  
21 **requesting a supervisor?**

22 A. Yes.

23 **Q. Under what circumstances?**

24 A. Requesting a supervisor, you said?

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1       **Q.   Yes.**

2       A.   For complaints requesting a  
3   supervisor, it would be for a complaint.

4       **Q.   What kind of complaint?**

5       A.   Complaint on police, whether it be  
6   conduct or taking too long to go to a job.

7       **Q.   Would a radio call for a supervisor**  
8   **only be for anything besides a complaint?**

9       A.   I'm sorry, what?

10      **Q.   Can you think of any circumstance,**  
11   **other than a complaint about police**  
12   **officers, that a radio call would be for a**  
13   **supervisor?**

14      A.   Well, like I said, if the  
15   complainant hadn't received police  
16   assistance in a timely manner they would  
17   probably ask for a supervisor.

18      **Q.   What do you do when you hear a**  
19   **radio call for a supervisor?**

20      A.   It depends on what the job was  
21   before.   If I'm paying attention to the  
22   board, and if I was there I would show up  
23   so I can inform the supervisor.

24           If it's my job I would inform the



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1 supervisor, like, what the situation is.

2 Q. Would you wait on the supervisor  
3 before taking any action if you heard a  
4 radio call for a supervisor?

5 A. What do you mean?

6 Q. Well, you said you would wait for a  
7 supervisor if it was your job; right?

8 A. Right.

9 Q. So would you take any action  
10 besides waiting if there was a call over  
11 the radio for a supervisor?

12 A. If it's my job?

13 Q. Yes.

14 A. If it's my job it would normally be  
15 me on location already so I'm just waiting  
16 for him.

17 Q. Okay. And you said something about  
18 paying attention to the board.

19 What do you mean by board?

20 A. I'm talking about the computer.  
21 It's a list of all of our jobs.

22 Q. And that's the computer that's in  
23 the car; is that correct?

24 A. Yes.

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1           **Q. What information does the computer**  
2           **provide?**

3           A. It provides a description of the  
4           job. It can get into more in depth if you  
5           type in the job's number. It tells you  
6           what time they called, what time it was  
7           dispatched, if they called again. It will  
8           tell you what time the officer is en route  
9           and it will tell you when the job is  
10          finished.

11          **Q. Who inputs the information into the**  
12          **computer?**

13          A. Radio dispatch.

14          **Q. Do the officers input information?**

15          A. No.

16          **Q. Have you received any training on**  
17          **how to respond to child custody dispute?**

18          A. It's in the academy that we receive  
19          all the training we need that's on the job  
20          to handle all your situations.

21          **Q. At the academy did you receive**  
22          **training on how to handle a child custody**  
23          **dispute?**

24          A. I'm going to say, yes, because we

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1 we reviewed all the directives and it kind  
2 of gives you a guideline as to what you  
3 would do.

4 **Q. Does one of the directives cover**  
5 **child custody disputes?**

6 A. Directly? I don't think it does  
7 directly. Like I said, I just think that  
8 there's little guidelines.

9 **Q. Would those be recorded -- are**  
10 **those recorded somewhere?**

11 A. Yeah. It's got to be in the  
12 directives -- if not the directives, the  
13 commissioner's memorandum.

14 **Q. Have you received any training on**  
15 **child custody disputes since you were at**  
16 **the academy?**

17 A. I'm sure I received some kind of  
18 update. Or whenever we go to MPO every  
19 year there's always updates that are  
20 given.

21 **Q. What's NPO -- is that N or M?**

22 A. M. Municipal Police Officer. It's  
23 like -- it's like a recert training. So  
24 rather than taking your eight months of

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1 academy, they cut it short and they give  
2 you the updates.

3 **Q. How often do you receive the**  
4 **updates?**

5 A. It's -- well, the actual class to  
6 get recertified every year. Then,  
7 throughout the year you get training  
8 updates at roll call.

9 **Q. Do you have to take an exam every**  
10 **year to be recertified?**

11 A. Yes. Yeah. There are tests you  
12 have to take.

13 **Q. Do you remember any child custody**  
14 **disputes -- sorry. Do you remember any**  
15 **child custody dispute training that you've**  
16 **attended or received since you were at the**  
17 **academy?**

18 A. Directly, no.

19 **Q. Are there certain procedures**  
20 **officers must follow when responding to a**  
21 **child custody dispute?**

22 A. Yeah.

23 **Q. What are those procedures?**

24 A. You have to, first, ascertain

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1 whether there's custody orders, any type  
2 of visitation orders that are in effect.  
3 Our main job would basically be to enforce  
4 the judge's or the magistrate's orders.

5 **Q. What do you mean enforce the order?**

6 A. Whatever it says, that's what we  
7 have to abide by. So if it says the kid  
8 is only supposed to be there every weekend  
9 and they're there during the week and the  
10 mom wants it back or vice versa, then we  
11 have to go have the kid returned to the  
12 mom.

13 **Q. So you, as the officer, would be --**  
14 **let me start over. Would you, as the**  
15 **officer, you're responsible for**  
16 **transferring the custody of the child from**  
17 **one parent to the other?**

18 A. I'd be the middle guy, yeah.

19 **Q. What do you mean the middle guy?**

20 A. Well, you have parents, the  
21 parties. So I'm the guy that's delegating  
22 what's going on. So I have to tell them,  
23 this is what the paper says; the judge  
24 says you can't have them at this time. If

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1 the mother wants them you have to give  
2 them back.

3 Q. So you would order one parent to  
4 hand over custody of the child to the  
5 other parent?

6 A. Right.

7 Q. Are you required to contact a  
8 supervisor at any time -- let me start  
9 over. Are you required to contact a  
10 supervisor when enforcing a child custody  
11 order?

12 A. Only if one party is creating an  
13 issue. If you can't handle it yourself  
14 then you would call a supervisor so they  
15 can come and explain something to them so  
16 they'd have a better understanding of  
17 what's going on. It's not from my mouth.

18 Q. So there's no basic requirement  
19 that before you handle a child custody  
20 dispute that you speak with a supervisor;  
21 is that right?

22 A. Right.

23 Q. Do you, as an officer, sometimes  
24 have to fill out a report after certain

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1     **incidents?**

2           A.   You always have to.   Yes.

3           **Q.   What is a 7548 report?**

4           A.   7548?

5           **Q.   Yes.**

6           A.   It's a general report taken for  
7 many jobs.   It's the best way to describe  
8 that.

9           **Q.   Can you give me an example?**

10          A.   Any type of burglary, robbery,  
11 shooting, lost property, recovered auto,  
12 made complaint jobs -- that's what you  
13 write on a 48.

14          **Q.   What kind of information do you**  
15 **include on a 7548 form?**

16          A.   The address of the occurrence, the  
17 time of occurrence, district control  
18 number, date, time, year, my name, if I  
19 asked a partner, payroll, the detail of  
20 the job, what type of whatever job it is.  
21 And, also, it could be either a  
22 complainant's name.   So it could either us  
23 or anybody on the street.

24          **Q.   By details of the job, what do you**

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1     **mean by that?**

2           A.   Whatever happened on the job.   If  
3   there's a burglary you state whatever the  
4   complainant -- if they witnessed it, you  
5   state what they witnessed and you also  
6   state what they observed, with whatever  
7   items were taken, how entry was made, who  
8   you contacted as for notifications -- the  
9   detective or sergeant.

10          **Q.   Do you describe your interactions**  
11     **with the witnesses?**

12          A.   Yes.

13          **Q.   Do you describe your interactions**  
14     **with whatever other civilians are present?**

15          A.   Yes.   If there's witnesses and  
16   stuff like that, too, you know, you put  
17   them on there.

18          **Q.   How much detail are you supposed to**  
19     **include on these witness forms?**

20          A.   Well, if it's -- it depends.   If  
21   it's just a regular job without an arrest  
22   you have as much detail as you can.   If  
23   there's an arrest included then you can  
24   kind of write it vaguely, but understand



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1 you have an arrest memo to do on parts on  
2 certain jobs that you would put your  
3 details on.

4 Q. And if the description doesn't fit  
5 in the little box on the 7548 form can you  
6 go over to the next page?

7 A. You write another 48. Not the next  
8 page, another 48 and you mark it as two of  
9 two or one of two.

10 Q. When you're working with a partner  
11 how do you decide whether you and your  
12 partner completes a 7548?

13 A. Sorry.

14 Q. Well, sometimes you work with a  
15 partner; right?

16 A. Right.

17 Q. Do you and your partner fill out  
18 your own 7548 forms?

19 A. Typically what happens is, when one  
20 guy is driving one guy's recording. So  
21 the guy in the passenger would be the guy  
22 writing the job --

23 THE COURT REPORTER: The  
24 job what?

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1                   THE WITNESS: The officer  
2                   in the passenger seat would be  
3                   most likely writing all reports  
4                   for the night, unless you would be  
5                   nice and help out.

6 BY MR. MCCLAM:

7           **Q. When you were working with Officer**  
8           **Schutte as your partner, were you the**  
9           **primary driver of the vehicle?**

10          A. I wouldn't say the primary driver.  
11          It's just he never liked to drive so I  
12          drove.

13          **Q. Did you drive exclusively?**

14          A. If he ever wanted to drive he can  
15          drive. I don't care. But I mostly drove.

16          **Q. And that includes in September of**  
17          **2015?**

18          A. I believe, yeah, I drove.

19          **Q. Did Philadelphia Police Department**  
20          **patrol cars have audio/visual recording**  
21          **systems in 2015?**

22          A. Did the department have it?

23          **Q. Yes.**

24          A. I don't know whatever pilot

Michael Navedo  
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1 programs they have out there at that time.  
2 I mean I know some districts have a body  
3 camera, but not us. We don't have that  
4 stuff.

5 **Q. Since you've been an officer at the**  
6 **Philadelphia Police Department your car**  
7 **has never had --**

8 A. I'm only going to talk for what  
9 district I'm working in. So in my 12th  
10 District we don't have that equipment.

11 **Q. By that equipment that also**  
12 **includes body cameras?**

13 A. Yes.

14 **Q. What about body recording devices**  
15 **for audio?**

16 A. Any type of audio/visual recording  
17 devices we don't have any of them in the  
18 12th.

19 MR. MCCLAM: We've been  
20 going about an hour, we'll take a  
21 quick break.

22 MS. FUNG: It's up to you  
23 if you need a break.

24 MR. MCCLAM: Yeah. Off

Michael Navedo  
September 11, 2018

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1 the record.

2 (Whereupon, a brief recess  
3 was taken.)

4 BY MR. MCCLAM:

5 Q. Officer Navedo, we're back on the  
6 record after a brief break.

7 You understand that you're still  
8 under oath; correct?

9 A. Yes.

10 Q. Were you on duty during the early  
11 morning of September 14th, 2015?

12 A. Yes.

13 Q. What was your shift that day.

14 A. It was -- I believe it was 11:45  
15 p.m. till eight in the morning.

16 Q. Was 11:45 p.m. till 8 a.m. your  
17 normal shift in September of 2015?

18 A. Yes.

19 Q. Do you recall what you were doing  
20 before your shift that day?

21 A. What?

22 Q. Do you recall what you were doing  
23 before your shift on September 2015?

24 A. No.

Michael Navedo  
September 11, 2018

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1           **Q. Did you have a partner during your**  
2           **September 14th, 2015 shift?**

3           A. I'm sorry.

4           **Q. Was Officer --**

5           A. I'm still thinking back to why you  
6 would ask me that -- the previous  
7 question, but go ahead.

8           **Q. Was Officer Schutte your partner on**  
9           **your shift on September 14th, 2015?**

10          A. Yes.

11          **Q. Where did you report before your**  
12          **shift started on September 14th, 2015?**

13          A. Where did I report?

14          **Q. Yes.**

15          A. Do you mean where's my  
16 headquarters?

17          **Q. How did your shift start?**

18          A. Went to work at 68 -- Woodland  
19 Avenue.

20                           THE COURT REPORTER: 68 --

21                           THE WITNESS: 6448 --

22                           THE COURT REPORTER: 6448.

23                           THE WITNESS: -- Woodland

24                           Avenue.

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1 BY MR. MCCLAM:

2 Q. Did you report at 11:45 p.m.?

3 A. Yes.

4 Q. What did you do after you reported  
5 for duty that day?

6 A. Get my equipment, get my radio, get  
7 my car. And sign in the computer and  
8 start patrol.

9 Q. Did you respond to a complaint  
10 about a custody dispute on September 14th,  
11 2015?

12 A. Yes.

13 Q. How did you become aware of the  
14 custody dispute issue?

15 A. We were given the job. The female  
16 was at the district and we were given a  
17 job there was a custody dispute where she  
18 wanted -- the female at that location  
19 wanted her child, saying that she was due  
20 to have her child and she had not received  
21 her child yet.

22 Q. Did you meet with the woman?

23 A. Yes.

24 Q. Was her name Siquenna (sp)

Michael Navedo  
September 11, 2018

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1     **Mohammed?**

2           A.   Yes.   I guess.   I don't know.

3           **Q.   Was Officer Schutte with you when**  
4     **you met with Ms. Mohammed?**

5           A.   Yes.

6           **Q.   How long did you meet with**  
7     **Ms. Mohammed for?**

8           A.   I don't know, ten, 15 minutes.

9           **Q.   What did Ms. Mohammed describe to**  
10    **you?**

11          A.   From what I can remember it was  
12    just she was complaining that she had not  
13    received the child; that the father had  
14    the child for his weekend and she was due  
15    to have the child back by a certain time.  
16    And I believe she was stating that he  
17    wasn't going to give the child back.   I  
18    can't remember too much about that.

19          **Q.   She said that Mr. Hunter was not**  
20    **going to give the child back?**

21          A.   I believe so.

22          **Q.   Did you ever try to call Mr. Hunter**  
23    **on that evening?**

24          A.   No.   We went to the house.

Michael Navedo  
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1           Q. Was that the first incident you  
2 responded to after reporting for duty that  
3 day?

4           A. I believe so.

5           Q. Did Ms. Mohammed say anything  
6 besides -- well, Ms. Mohammed show you any  
7 documentation or --

8           A. I believe she did have  
9 documentation, but I'm not -- I can't  
10 remember right now.

11          Q. Do you remember what documentation  
12 she might have had?

13          A. I believe it would be the custody  
14 order that she had established in court --  
15 or visitation order.

16          Q. About what time was your meeting  
17 with Ms. Mohammed?

18          A. Don't know.

19          Q. Some time after midnight?

20          A. Yeah.

21          Q. Did Ms. Mohammed say why she waited  
22 until after midnight to come to the police  
23 department?

24          A. Don't recall.



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September 11, 2018

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1 Q. Did she say anything -- did

2 Ms. Mohammed express any concerns about  
3 the safety of the child?

4 A. I don't recall.

5 Q. Did she say she thought the child  
6 might be in danger?

7 A. I don't recall.

8 Q. Did she say -- did Ms. Mohammed say  
9 that Mr. Hunter and Ms. Shujaa were  
10 abusive toward her daughter?

11 A. I don't recall that.

12 Q. What did you do after you spoke  
13 with Ms. Mohammed?

14 A. We went to the location on 51st  
15 Street to see if we could make contact  
16 with the father and see if he had the  
17 daughter there.

18 Q. What was the purpose of your trip  
19 to I believe it's 1242 South 51st Street?

20 A. It was to ask reason why he hasn't  
21 returned the child.

22 Q. Did Ms. Mohammed go with you?

23 A. No.

24 Q. Did she stay at the station?

Michael Navedo  
September 11, 2018

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1           A.    Yes.

2           **Q.    If you found out that the child, in**  
3           **fact, should have been with Ms. Mohammed**  
4           **would you have returned the child to the**  
5           **station and deliver her to Ms. Mohammed?**

6                       MS. FUNG:  Objection to  
7                       form, but you can answer the  
8                       question.

9                       THE WITNESS:  Yeah.

10          BY MR. MCCLAM:

11          **Q.    Did you ever actually see the**  
12          **children when you were at the residence in**  
13          **response to the custody dispute?**

14          A.    Yes.

15          **Q.    Can you describe what you saw?**

16          A.    From what I can remember, there's  
17          two children right where the door entrance  
18          was sleeping.

19          **Q.    Did you speak with the supervisor**  
20          **before going to the residence on 51st**  
21          **Street?**

22          A.    No.

23          **Q.    Did you drive the patrol vehicle**  
24          **from headquarters to 51st Street?**

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September 11, 2018

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1 A. Yes.

2 Q. Was Officer Schutte in the  
3 passenger's seat?

4 A. Yes.

5 Q. What time did you arrive?

6 A. I don't recall.

7 Q. What happened when you arrived at  
8 the residence on 51st Street?

9 A. We knocked on the door. It was  
10 dark. So we shined the light. The  
11 windows were open. There's a screen. We  
12 shined the light to see if it was dark  
13 inside. We knocked on the door. A female  
14 came to the door. We were asking if the  
15 gentleman was there, we're there in  
16 reference to the custody dispute. He came  
17 over and we started explaining what's  
18 going on. He had -- he showed me  
19 paperwork that he had stating that he had  
20 the right to have visitation -- and I  
21 believe it was, like, a holiday or  
22 something -- and that he was able to have  
23 that extended day if it was a holiday as  
24 long as she didn't have school or

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September 11, 2018

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1 something like that.

2 So then we went back to the car. I  
3 believe I called the complainant and told  
4 her about the situation and she agreed  
5 that it's fine to let him have the child  
6 until tomorrow -- or I mean the next day.

7 Q. Okay. Going back to when you were  
8 standing on the porch at the residence.

9 A. Right.

10 Q. You said you had your flashlight  
11 out; is that right?

12 A. Yeah.

13 Q. Were you shining it the window?

14 A. Yeah. Because it was dark. We  
15 couldn't see anything.

16 Q. Could you see anything inside the  
17 window?

18 A. When you shine the light, yeah.

19 Q. What did you see?

20 A. Children laying in the bed right in  
21 front.

22 Q. Did you enter the apartment?

23 A. No. It's a house.

24 Q. Was the documentation that

Michael Navedo  
September 11, 2018

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1     **Mr. Hunter showed you the same as what**

2     **Ms. Mohammed had shown you?**

3           A.   What do you mean?

4           **Q.   I thought you said you thought that**

5     **Ms. Mohammed had some kind of**

6     **documentation when she made her complaint;**

7     **correct?**

8           A.   Right.   That's the reason why I

9     went there.   I'm not going to go there if

10    there's nothing in place.

11           Other than that I would be, like,

12    you have to go to family court to get

13    something arranged.

14           **Q.   You said that Mr. Hunter also**

15    **showed you some documentation?**

16           A.   Yeah.   I do remember that.

17           **Q.   Was it the same documentation that**

18    **Ms. Mohammed had?**

19           A.   Yeah.   I believe so.   It has to

20    be -- whatever court order it was it had

21    to be the same because that's what the

22    judge was the judge --

23                       THE COURT REPORTER:

24           That's what the judge what?

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September 11, 2018

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1 THE WITNESS: Was issuing.

2 BY MR. MCCLAM:

3 Q. How long did you knock on the door  
4 before the Ms. Shujaa answered?

5 A. I don't recall.

6 Q. Did you speak with anybody besides  
7 Mr. Hunter and Ms. Shujaa?

8 A. No.

9 Q. Did you speak with any of  
10 Mr. Hunter's children?

11 A. I don't believe so.

12 Q. Did you ever see the child that was  
13 complained of by Ms. Mohammed?

14 A. Yes.

15 Q. What was your vantage point?

16 A. You're talking about when did I  
17 think of her?

18 Q. You saw the child at issue;  
19 correct?

20 A. Excuse me.

21 Q. Did you ever see the child that was  
22 the subject of the custody dispute?

23 A. Yes.

24 Q. Where were you standing when you

Michael Navedo  
September 11, 2018

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1     **saw her?**

2           A.   On the porch.

3           **Q.   Did she come outside?**

4           A.   No.   I could clearly see her  
5   through the door.

6           **Q.   So through the open front door, is**  
7   **what I'm asking?**

8           A.   Right.

9                       MR. MCCLAM:   I'm going to  
10                      ask the court reporter to mark  
11                      this exhibit Navedo-1.

12                     (Whereupon the document  
13                     was marked, for identification  
14                     purposes, as Exhibit Navedo-1.)

15                     MS. FUNG:   I'll note for  
16                     the record this is the first time  
17                     we've seen this photo.

18                     MR. MCCLAM:   It was taken  
19                     yesterday.

20   BY MR. MCCLAM:

21           **Q.   Officer Navedo, I'll represent to**  
22   **you that this is a photograph taken of**  
23   **1242 51st Street, taken yesterday morning.**

24                     **Does this appear to be the**

Michael Navedo  
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1     **residence that you responded to on the**  
2     **morning of September 14th, 2015?**

3         A.   Yes.   If that's 1242, then yeah.

4         **Q.   Do you recall where you were**  
5     **standing when you saw the children inside**  
6     **the residence on 51st Street?**

7         A.   Yeah.   We saw them through the  
8     window, because the window was open.  
9     There was just a screen.   And when they  
10    opened the door I saw them in the  
11    background, I believe.

12        **Q.   Were the children sleeping?   Were**  
13    **the children sleeping?**

14        A.   When we initially came up, yeah,  
15    they were sleeping.   We can see them at  
16    the window sleeping.

17        **Q.   How did you identify the child that**  
18    **was the subject of the custody dispute?**

19        A.   I believe we asked where the child  
20    was and they showed -- I believe that's  
21    the way it happened.

22        **Q.   Can you describe the appearance of**  
23    **Mr. Hunter when he came to the door?**

24        A.   No.



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1           Q.   What about the appearance of  
2   Ms. Shujaa?

3           A.   No.

4           Q.   Can you tell that Ms. Shujaa was  
5   four and a half months pregnant at the  
6   time?

7           A.   No.

8           Q.   Did you know that Ms. Shujaa was  
9   pregnant?

10          A.   No.

11          Q.   Did Ms. Shujaa come outside onto  
12   the porch?

13          A.   No.   I don't --

14                   THE COURT REPORTER:   No,  
15                   what?

16                   THE WITNESS:   No.   I don't  
17                   remember that.

18   BY MR. MCCLAM:

19          Q.   You don't remember if she came  
20   outside or, no, she did not come outside?

21          A.   I don't believe she came outside.

22          Q.   How long did your first encounter  
23   with Mr. and Ms. Hunter at their residence  
24   on 51st Street last?

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1 A. I don't recall.

2 Q. Ten to 15 minutes?

3 A. Yeah. That's fine. That's fair to  
4 say. I don't recall.

5 Q. How was the encounter resolved?

6 A. When we first left, we left with  
7 the job resolved. Both parties were  
8 settled by themselves.

9 Q. Did Mr. Hunter show you something  
10 that convinced you that he had rightful  
11 custody of the child that evening?

12 A. Yes.

13 Q. What did show you?

14 A. He showed a visitation order.

15 Q. What did the visitation order say?

16 A. It stated specifically that he  
17 had -- I don't know if it's every weekend  
18 or -- or whatever weekend he was allowed  
19 to have and they said with the exception  
20 of, like, the holiday he was allowed to  
21 have an extended day. So that clarified  
22 the whole situation. And I called the mom  
23 and I told her that he's allowed to have  
24 her. And she agreed as long as he brings

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September 11, 2018

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1 her back tomorrow.

2 Q. How would you describe the  
3 neighborhood where Mr. Hunter and  
4 Ms. Shujaa live?

5 A. What do you mean?

6 Q. Well, is it an affluent  
7 neighborhood?

8 A. It's nothing wrong with it.

9 MS. FUNG: Objection to  
10 the form. You can answer.

11 THE WITNESS: Restate your  
12 question.

13 BY MR. MCCLAM:

14 Q. Is 51st Street, the 1200 block, is  
15 that known as a high crime area?

16 A. The entire city of Philadelphia is  
17 a high crime area.

18 Q. What precinct are you in?

19 A. 12th.

20 Q. Is the 12th District known as a  
21 especially high crime area?

22 A. Absolutely.

23 Q. Had you ever met Mr. Hunter and  
24 Ms. Shujaa before this incident?

Michael Navedo  
September 11, 2018

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1 A. No. Not that I remember.

2 Q. What happened after you left  
3 Mr. Hunter and Ms. Shujaa's residence the  
4 first time?

5 A. Nothing. I thought everything was  
6 resolved.

7 Q. Where did you go after the first  
8 encounter?

9 A. We drove away.

10 Q. What happened after that?

11 A. I believe at some point there was a  
12 complaint on the board.

13 Q. What do you mean a complaint on the  
14 board?

15 A. A complaint on police on the board.  
16 They were requesting a supervisor.

17 Q. So you saw something physically on  
18 your computer --

19 A. Yes.

20 Q. -- in your car?

21 A. Yes.

22 Q. Do you recall what it said?

23 A. No.

24 Q. You recall it was requesting a

Michael Navedo  
September 11, 2018

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1     **supervisor?**

2           A.    Yes.

3           **Q.    Was there a call over the radio for**  
4     **a supervisor?**

5           A.    Yes.   It was over the radio.  
6    That's how I figured it out.   It was,  
7    like, it went over the air with the  
8    address requesting a supervisor.   I  
9    remember I didn't understand.   I was,  
10   like, wait a minute, we just came from  
11   there.   So we went back.

12          **Q.    After you heard the request for a**  
13     **supervisor over the radio did you look at**  
14     **your computer afterwards?**

15          A.    Yes.

16          **Q.    On the computer it said that there**  
17     **was a request for a supervisor?**

18          A.    I don't remember what it said on  
19    the computer, but I know what that means.

20          **Q.    What did you do when you heard the**  
21     **call over the radio for a supervisor?**

22          A.    We went over to that location to  
23    figure out what just happened, because we  
24    didn't understand why they needed a

Michael Navedo  
September 11, 2018

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1 supervisor when --

2 Q. Was the -- go ahead. I didn't mean  
3 to cut you off.

4 A. -- when we thought we satisfied the  
5 matter.

6 Q. Was Lieutenant Disanto the  
7 supervisor on September 14th, 2015?

8 A. I believe so, because he responded.

9 Q. Did you call him before you went  
10 back to the residence?

11 A. No.

12 Q. No?

13 A. No.

14 Q. Did you have any communication with  
15 Lieutenant Disanto before you went back to  
16 the residence?

17 A. You said before we went back?

18 Q. Right.

19 A. No.

20 Q. Did you know where Lieutenant  
21 Disanto was at that time?

22 A. No.

23 Q. Why didn't you wait for Lieutenant  
24 Disanto to return after receiving a call

Michael Navedo  
September 11, 2018

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1     **for a supervisor only?**

2           A.   Because I didn't see why there was  
3     a supervisor needed. There was nothing  
4     wrong. We thought we left with everything  
5     copacetic or civil. There was no -- no  
6     type of issue or anything like that.

7           Q.   Did you call anyone at the precinct  
8     to try to clarify why a supervisor was  
9     being called?

10          A.   No.

11          Q.   Had you ever responded to a call  
12     for a supervisor only before?

13          A.   Yes.

14          Q.   Did you respond without the  
15     supervisor there?

16          A.   I wait for the supervisor.

17          Q.   Are you or Officer Schutte --  
18     excuse me. Did your supervisor,  
19     Lieutenant Disanto, respond over the radio  
20     for the call for a supervisor only?

21          A.   You're asking me if my lieutenant  
22     responded to that call?

23          Q.   Yes.

24          A.   Yes.

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**September 11, 2018**

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1           **Q. What did he say?**

2           A. What do you mean what did he say?

3           **Q. You said he responded to the call.**

4           **Do you recall what he said?**

5           A. He came to the job. We described  
6 what was going on, because I know the  
7 second time we knocked on the door, first,  
8 to see what's going on I remember that he  
9 was irate. At that time he was irate. We  
10 didn't understand why.

11                 Then the supervisor came. He  
12 knocked on the door. He didn't want to  
13 answer.

14                         MR. MCCLAM: I'm going to  
15 ask the court reporter to mark  
16 this document as Navedo-2.

17                         (Whereupon the document  
18 was marked, for identification  
19 purposes, as Exhibit Navedo-2.)

20                         MS. FUNG: Can we go off  
21 the record a second?

22                         (Discussion was held off  
23 the record.)

24



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1 BY MR. MCCLAM:

2 Q. Do you recognize Exhibit-2?

3 A. Two, yeah.

4 Q. Are you familiar with it?

5 A. I mean, no. I'm not used to seeing  
6 it this way. No.

7 Q. What is Exhibit-2?

8 A. It's dispatcher and radio  
9 transmissions. Basically, whatever we say  
10 over the radio.

11 Q. Looking at the first entry at the  
12 top of the first page --

13 A. Hmm-mm.

14 Q. -- do you see where it says,  
15 Monday, 9/14/2015?

16 A. Yeah.

17 Q. Does 14, colon, 20 mean that that  
18 radio call went out at -- or began at  
19 12:14 a.m. on September 14th, 2015?

20 A. Right. Correct.

21 Q. And 1201 to radio, is that a call  
22 from your police car to the radio?

23 A. Hmm? Oh, okay. Yes. That's a  
24 call from -- they're talking to dispatch.

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1 The call center -- that's Darus Hunter is  
2 talking to --

3 Q. No, sir. I'm at the first one.  
4 It's only about six lines at the top left  
5 corner.

6 A. Are you talking about this?

7 Q. Yes.

8 A. Yeah.

9 Q. Can you describe this first radio  
10 transmission?

11 A. We're making available -- making  
12 ourselves available using 1201 wagon. And  
13 it says to hold us out at 1242 South 51  
14 for invest prem.

15 THE COURT REPORTER: For  
16 what?

17 THE WITNESS: Investigate  
18 premise.

19 BY MR. MCCLAM:

20 Q. What is investigate premise?

21 A. Well, it's a custody visitation  
22 issue so we went -- basically, initially,  
23 we went over there to see if the child was  
24 there. If we would knock and nobody

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1     answer we would just write it as an invest  
2     prem, investigate premise, which means we  
3     knocked with negative results and we would  
4     just be on our way.

5           **Q.   Is it standard procedure to call**  
6     **into the radio before you show up on the**  
7     **scene at a residence?**

8           A.   Yes.   Well, normally, like I said,  
9     we usually get the radio calls.   But if  
10    you have to show yourself on location or  
11    something then you would just go over as  
12    that.

13          **Q.   I'm not sure I understand the**  
14     **distinction.**

15          A.   Normally, when you're on patrol  
16     radio would drop you a job on the  
17     computer.   And you go over there.   Radio  
18     would be like, 1201, can you handle this  
19     domestic at 1242 South 51, and then she'll  
20     drop it on the MPT, the computer.   And  
21     we'll go there.   And when we get there  
22     usually, on location or whatever, the  
23     disposition is of the situation.

24               But since she came to the district

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1 where showing us available -- meaning we  
2 just got on -- but it shows us en route,  
3 or holding us out at that location. So  
4 it's a little different.

5 Q. Understood. So does this refresh  
6 your recollection that your first  
7 encounter with the plaintiffs began  
8 sometime around 12:15 a.m., on September  
9 14th?

10 A. Correct.

11 Q. I want to go over to the second  
12 page, which has the number down at the  
13 bottom of the right-hand corner as D074.

14 If you halfway down the page, where  
15 it says Monday, 9/14/15, 48:58.

16 Do you see that?

17 A. I'm sorry. Where?

18 Q. Look halfway down.

19 A. Yeah.

20 Q. It's about -- can you take a minute  
21 to review that entry.

22 A. Yeah.

23 Q. The first radio request stated, do  
24 I have a 12th District supervisor on the

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1     **air; correct?**

2           A.   Right.

3           **Q.   Then 12 DC to radio response is, 12**  
4     **command.**

5                   **What do you understand that entry**  
6     **to mean?**

7           A.   That's the lieutenant receiving the  
8     call and he's answering up saying that I'm  
9     here, I'm available.

10          **Q.   Then the next entry says, radio to**  
11     **12 DC.**

12          A.   Hmm-mm.

13          **Q.   Is that a radio call directed at**  
14     **the lieutenant?**

15          A.   Yes.   That's the radio talking --  
16     telling the lieutenant what's going on.

17          **Q.   It says, sir, be advised we have a**  
18     **supervisor only at 1242 South 51st Street.**  
19     **We have 1201 on location there.  It's a**  
20     **domestic custody dispute.**

21          A.   Right.

22          **Q.   Do you see that?**

23          A.   Yes.

24          **Q.   What is a supervisor only?**

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1       A. That's where whatever the  
2       complainant is needing further assistance  
3       on the job by a higher command.

4       **Q. By a supervisor?**

5       A. Yes.

6       **Q. It says -- 12 DC to radio says, 12**  
7       **command, can you drop it down.**

8               Do you see that?

9       A. Yeah.

10       **Q. What does it mean to "drop it**  
11       **down"?**

12       A. Just send it to my computer so he  
13       knows the address to where he's going.

14       **Q. Did Lieutenant Disanto call for**  
15       **backup after receiving the call?**

16       A. No, no.

17       **Q. Did he say where he was at the**  
18       **time?**

19       A. No.

20       **Q. Did you have any communication with**  
21       **Lieutenant Disanto before you went back to**  
22       **the residence after the call for a**  
23       **supervisor only?**

24       A. I'm sorry. Say that again.

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1           Q. Did you have any -- after -- let me  
2 start over. After the entry that begins  
3 at 12:48 a.m., did you hear that exchange  
4 over the radio?

5           A. Yeah.

6           Q. After you heard the call for a  
7 supervisor only, did you have any  
8 communication with Lieutenant Disanto  
9 before he arrived on scene?

10          A. I don't believe so. No.

11          Q. Was it your decision to respond to  
12 the supervisor only call by returning to  
13 the residence?

14          A. Yes.

15          Q. Why did you decide to return after  
16 the supervisor only call?

17          A. Because technically, in the  
18 situation we would have still been there,  
19 but we left before we RTF'd it, which is  
20 Report To Follow, which means we're done  
21 with the job.

22          Q. When you say you left, did you --  
23 had you driven away?

24          A. We drove away. Yes.

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1           **Q.   How far away were you?**

2           A.   I don't know, a couple of blocks.

3           **Q.   So it had only been -- you had only**  
4 **been driving for a few minutes?**

5           A.   Yeah.

6           **Q.   Did you tell Lieutenant Disanto**  
7 **over the radio that you intended to**  
8 **respond to the supervisor only call?**

9           A.   No.   Because radio had us still on  
10 location still.

11          **Q.   Did you radio it in that you were**  
12 **going back to the residence?**

13          A.   I'm not sure.   I'm not sure how  
14 that went.

15          **Q.   You're not sure if --**

16          A.   I'm not sure if I said we'll go  
17 back over there or what.   I don't know.

18          **Q.   Would it have been normal procedure**  
19 **to call it in if you were going back over**  
20 **to the residence?**

21          A.   If we're already on location, maybe  
22 or maybe not I'd go over or not.   If I  
23 wasn't there I'd say I'll turn myself back  
24 around.   But if I'm already on location on



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1 the computer then there's no need for me  
2 to say it. So I may or may not have said  
3 it. Don't know.

4 Q. When did you -- I want to  
5 understand a little bit more about the  
6 Report To Follow.

7 When do you -- is that something  
8 you say over the radio?

9 A. Yes. We don't really say, Report  
10 To Follow; it's RTF. It's like an  
11 acronym. Just basically to end the job,  
12 to close the job out.

13 Q. When you heard the job for a  
14 supervisor only, you hadn't called in RTF  
15 at that time; correct?

16 A. I believe we were still on scene  
17 over there.

18 Q. On scene, but you had driven away?

19 A. Right.

20 Q. Did you assume when you heard the  
21 supervisor only call over the radio that  
22 the residents had made a complaint against  
23 you and Officer Schutte?

24 A. Yeah. Because we just left there.

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1 We didn't understand what was going on.  
2 So we wanted to see if there was something  
3 we could do before a supervisor came.

4 As I said, when we left we thought  
5 everything was civilized and settled  
6 between both parties. We didn't  
7 understand what was going on.

8 **Q. Are there any -- let me start over.**  
9 **Have you received any training on how to**  
10 **respond to citizen complaints about**  
11 **officer conduct?**

12 A. No. That's a supervisory position.

13 **Q. So is this the first time you had**  
14 **ever gone to confront somebody who had**  
15 **made a complaint about officer conduct?**

16 MS. FUNG: Objection to  
17 form, but you can answer the  
18 question.

19 THE WITNESS: I'll stay  
20 with the objection.

21 MR. MCCLAM: This is one  
22 of the objections --

23 MS. FUNG: You can still  
24 answer the question.

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1 THE WITNESS: All right.  
2 My thing was I didn't think there  
3 was anything wrong. I didn't  
4 understand why there would be a  
5 complaint. So that's the only  
6 reason why I went back. Not just  
7 that to -- well, I went back to  
8 knock on the door; I didn't  
9 understand what was going on.

10 So for any other complaint  
11 I would just wait there for a  
12 supervisor to inform him what went  
13 on in the situation. But the only  
14 reason why we knocked on the door  
15 is because we didn't understand  
16 why there was a complaint coming  
17 out when we thought we handled the  
18 job right.

19 BY MR. MCCLAM:

20 Q. And complaints -- let me start  
21 over. Citizen complaints are the  
22 responsibility of the supervisor; correct?

23 A. Yeah. They're responsible for  
24 handling the complaint and taking down the

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1 complaint.

2 Q. Would you agree the proper  
3 procedure under these circumstances would  
4 have been for you and Officer Schutte to  
5 wait for Lieutenant Disanto to arrive on  
6 scene?

7 MS. FUNG: I object to  
8 form again, but you can answer.

9 THE WITNESS: No. Because  
10 we didn't -- there was no conflict  
11 at that time. So we contacted the  
12 mother. We made contact with him.  
13 We saw the child and we contacted  
14 with the mother and both parties  
15 agreed on whatever they were going  
16 to do. And there was no -- there  
17 was no -- you know, nothing bad  
18 was exchanged. It wasn't no -- it  
19 wasn't, at that point, a hostile  
20 environment or anything like that  
21 so we didn't understand what was  
22 going on. That's the reason why  
23 we knocked on the door.

24

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1 BY MR. MCCLAM:

2 Q. Are you, as an officer, authorized  
3 to respond to citizen complaints?

4 A. We can back the supervisor up.  
5 Yes.

6 Q. Are you, as an officer, allowed to  
7 respond to citizen complaints without the  
8 presence of a supervisor?

9 A. See, the problem is that -- can I  
10 explain something?

11 Q. Sure.

12 A. When a citizen complaint happens,  
13 generally, we're still on location and the  
14 complainant is usually irate. So  
15 therefore, we just fall back and wait for  
16 the supervisor to get there.

17 This situation was a different  
18 circumstance because we didn't know that  
19 there was anything wrong, because there  
20 was nothing ill exchanged or anything like  
21 that. So we didn't understand. We were  
22 basically scratching our head with what  
23 happened.

24 Q. I understand that. But my question

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1     stands. Are you authorized as an officer  
2     to respond to a citizen complaint without  
3     the presence of a supervisor?

4     A. I don't see why not.

5     Q. Have you ever responded to a  
6     citizen complaint --

7     A. I mean --

8     Q. -- before or after this incident  
9     without a supervisor present?

10    A. I'm going to say, yes, because  
11    there are times that we can de-escalate  
12    and the complaint can get resolved before  
13    they saw a supervisor and we can resume  
14    supervisory.

15    Q. What do you mean, "resume  
16    supervisory"?

17    A. So let's say if somebody is making  
18    a complaint on the phone -- they don't  
19    like the service, whatever. We can doctor  
20    it up, so to speak, talk the complainant  
21    down and resolve the issue before the  
22    supervisor gets there and we can resume  
23    supervisory if they no longer want a  
24    supervisor.

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1           **Q. So why would the call be for a**  
2           **supervisor only if the officer can go and**  
3           **take care of the complaint?**

4           A. Because the supervisor is the only  
5           one that can actually write the report.  
6           We can sit there and talk to them and talk  
7           them down, whatever. But when it comes to  
8           actually filling out the complaint report,  
9           the official report, the supervisor has to  
10          do it. That's the reason why.

11          **Q. So the supervisor has to be present**  
12          **on scene in order to complete a report**  
13          **for --**

14          A. Correct. We cannot write that  
15          report.

16          **Q. Did you immediately go back to the**  
17          **residence after you heard the supervisor**  
18          **only call?**

19          A. Yes.

20          **Q. How long did it take you?**

21          A. I don't know.

22          **Q. A couple of minutes?**

23          A. Yeah. It was right after we heard  
24          that we went back.

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1 Q. So less than five?

2 A. Yeah.

3 Q. What did you do when you returned  
4 to the residence on the second occasion?

5 A. Knocked on the door and tried to  
6 see what was going on.

7 Q. And how long were you knocking on  
8 the door before you heard a response by  
9 one of the residents?

10 A. I don't know.

11 Q. Were you knocking for a long time?

12 A. It couldn't have been that long.

13 No.

14 Q. So looking back at Exhibit-2 and  
15 the request for supervisor only call, do  
16 you know about what time you returned to  
17 the residence after the supervisor only  
18 call?

19 A. I'm sorry. What was that.

20 Q. About what time did you return to  
21 the residence after the supervisor only  
22 call?

23 A. I don't know. Once we heard the  
24 call we returned back.



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1           **Q. After you knocked on the door what**  
2           **did you hear inside?**

3           A. What, for the second time?

4           **Q. Yes.**

5           A. I don't recall what I heard. All I  
6           know is whatever point they got mad  
7           because we were knocking again and they  
8           became irate.

9           **Q. Were you flashing the -- did you**  
10          **have your flashlights on the second time?**

11          A. No. I don't think so.

12          **Q. Were both you and Officer Schutte**  
13          **standing on the porch of the residence?**

14          A. Yes.

15          **Q. Do you recall if you were doing the**  
16          **knocking or if Officer Schutte was?**

17          A. I don't recall.

18          **Q. Did you announce yourself?**

19          A. Yes.

20          **Q. What did you say?**

21          A. Police.

22          **Q. Anything else?**

23          A. I don't remember.

24               Obviously, at whatever point we

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1 came in contact with them we asked them  
2 what was the problem.

3 **Q. How did you come in contact with**  
4 **them?**

5 A. I don't know if it was through the  
6 window -- even though I think it's through  
7 the window. I don't think they opened the  
8 door up the second time.

9 **Q. You don't think they ever opened**  
10 **the door up the second time?**

11 A. I don't believe. I don't recall if  
12 they did or not. I believe -- that's what  
13 I believe. I believe there was talk  
14 through the window.

15 **Q. Do you recall what Mr. Hunter or**  
16 **Ms. Shujaa said while you were standing on**  
17 **the porch the second time?**

18 A. No. I don't recall. I just  
19 remember it was -- they got irate because  
20 we were knocking the second time.

21 **Q. Did they sound frightened?**

22 A. No. They were irate. They were  
23 mad.

24 **Q. Did you ever see Mr. Hunter or Ms.**

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1     **Shujaa the second time?**

2           A.   The second -- what do you mean?

3           **Q.   I'm using second time to talk about**  
4     **you and Officer Schutte's return after the**  
5     **supervisor only call.**

6           **Do you understand that?**

7           A.   Right.

8           **Q.   Did you ever see visually**  
9     **Mr. Hunter or Ms. Shujaa the second time?**

10          A.   I believe -- like I said, I believe  
11     it was through the window, the screen  
12     window. I believe it was through there.

13          **Q.   Did they have the lights on?**

14          A.   I don't recall.

15          **Q.   Did you stop knocking on the door**  
16     **after you heard them inside?**

17          A.   Yeah.

18          **Q.   Did you ever push on the front**  
19     **door?**

20          A.   Nope.

21          **Q.   Did Officer Schutte?**

22          A.   No.

23          **Q.   Was it hard to hear Mr. Hunter and**  
24     **Ms. Shujaa inside their house?**

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1 A. No.

2 Q. Was the window open?

3 A. Yes.

4 Q. How long did the interaction after  
5 the supervisor only last?

6 A. Not long at all.

7 Q. What do you mean by not long?

8 A. Once we saw they were irate we left  
9 the steps and waited on the corner for the  
10 supervisor.

11 Q. When did you realize that  
12 Mr. Hunter and Ms. Shujaa didn't want to  
13 talk to you or Officer Schutte a second  
14 time?

15 A. Once they became irate. Yelling  
16 and cursing.

17 Q. So after the supervisor only call  
18 came in you and Officer Schutte returned  
19 in your vehicle to the residence, you  
20 walked up to the front door on the porch.  
21 You and/or Officer Schutte knocked on the  
22 front door, and then heard from the  
23 residents and then you left?

24 A. Right.

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1           **Q.   About how long did all that take?**

2           A.   Not long at all.

3           **Q.   Did Mr. Hunter and Ms. Shujaa ask**  
4 **why you were there?**

5           A.   When?

6           **Q.   On the second interaction.**

7           A.   Yeah. We were asking -- honestly,  
8 I don't remember what was said so I  
9 can't -- I'm not going to say anything.

10          **Q.   Did you ever tell Mr. Hunter or Ms.**  
11 **Shujaa why you were there?**

12          A.   Yeah, yeah. Because we returned.  
13 So I'm pretty sure we related why we came  
14 back -- finding out what was wrong.

15          **Q.   What did you tell them?**

16          A.   Don't know.

17          **Q.   Did you tell them that you heard**  
18 **they filed a complaint?**

19          A.   No. I don't remember how that was  
20 relayed. All I remember is -- obviously,  
21 if I'm there I'm asking them -- telling  
22 them why I'm there. That was it,  
23 basically.

24          **Q.   You were there because -- you were**

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1    **there during the second interaction**  
2    **because Mr. Hunter or Ms. Shujaa filed a**  
3    **complaint against you and Office Schutte;**  
4    **correct?**

5       A.   Right.

6       **Q.   Did you tell Mr. Hunter and**  
7    **Ms. Shujaa that?**

8       A.   I mean we were asking what's wrong,  
9    because we didn't understand what was  
10   going on. We thought we handled their  
11   situation the way they wanted.

12       **Q.   Did you tell Mr. Hunter or Ms.**  
13    **Shujaa that you and Officer Schutte had**  
14    **been called back to the residence?**

15       A.   What do you mean?

16       **Q.   Did you tell the resident -- the**  
17    **plaintiffs that you were at their**  
18    **residence because you had been requested**  
19    **to be there?**

20       A.   Not that we were requested to be  
21    there. No.

22       **Q.   Did you tell them that you were**  
23    **there because a supervisor had been**  
24    **requested to be there?**

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1       A.   Probably.   Because that's the  
2   reason why we were there.

3       **Q.   So you think that you told Officer**  
4   **Shujaa -- sorry.   So you think you told**  
5   **Mr. Hunter and Ms. Shujaa that you were**  
6   **there because there was a call in for a**  
7   **supervisor?**

8       A.   Most likely that's probably what  
9   happened.   I mean that's the reason why we  
10  came back.

11       **Q.   Why did you leave after the second**  
12   **interaction?**

13       A.   Because they were irate; yelling  
14   and cursing get off the porch.   So we  
15   left.

16       **Q.   Did you feel that plaintiffs'**  
17   **complaint had been resolved at that time?**

18       A.   I didn't know what the complaint  
19   was about so we just left because he was  
20   irate.   There was no need for anything  
21   else.

22       **Q.   Did the plaintiffs tell you that**  
23   **they were no longer going to make a**  
24   **complaint against you and Officer Schutte**

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1 before you left the second time?

2 A. No.

3 Q. What did you do when you left  
4 plaintiffs' home after responding to the  
5 supervisor only call?

6 A. We waited until the supervisor  
7 showed up. Explained to him what happened  
8 and he knocked on the door.

9 Q. Did you call it in when you left?

10 A. What, the second time?

11 Q. Right, the second time.

12 A. No. The supervisor is on his way.

13 Q. I'm going to point you to  
14 Exhibit-2. If you look halfway down the  
15 page, on the page that has D076 on the  
16 bottom right-hand corner.

17 A. Okay.

18 Q. Do you see the entry that begins  
19 Monday, 9/14/15, 1:06:08?

20 A. Yeah.

21 Q. Take a second to review that entry.

22 A. Okay.

23 Q. Did you make the call at the bottom  
24 of D076?



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1 A. I'm sorry, what was that?

2 Q. Does this reflect a communication  
3 between your vehicle and the radio  
4 operator?

5 A. Yeah.

6 Q. And also a communication from  
7 Lieutenant Disanto?

8 A. Yes.

9 Q. Did you make this radio call?

10 A. Yes -- no. I'm not sure if it was  
11 me exactly, but that's us in general as a  
12 unit.

13 Q. Do you see where it says 1201 to  
14 radio, you can Report To Follow and you  
15 can resume Command. They no longer need a  
16 supervisor?

17 A. Yeah. So I guess we did talk about  
18 that and they did say that they didn't  
19 need one.

20 Q. Did you -- did you or Officer  
21 Schutte make this call as soon as you got  
22 back to your police car after leaving the  
23 residence after the second interaction?

24 A. Yeah.

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1       **Q.   Yes?**

2       A.   It had to be them.   Yes.

3       **Q.   What was the purpose of your**  
4       **message, "you can Report To Follow us and**  
5       **you can resume Command; they no longer**  
6       **need a supervisor?**

7       A.   That's basically saying that  
8       they -- whatever conversation that was  
9       exchanged that they didn't need, I guess,  
10      the situation was found and they didn't  
11      want a supervisor anymore for whatever the  
12      complaint they wanted or were trying to  
13      make.

14      **Q.   So in this communication were you**  
15      **trying to tell Lieutenant Disanto that he**  
16      **no longer needed to show up on scene?**

17      A.   Correct.

18      **Q.   So what did you do when you left**  
19      **plaintiffs' home after the second**  
20      **interaction?**

21      A.   Well, if radio says that they just  
22      called back for another one, then that  
23      means we just stayed there and waited at  
24      that point.

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1           Q.   So did you leave the residence  
2   porch and go back to your car, make the  
3   call listed on D76 and then wait for  
4   Lieutenant Disanto?

5           A.   I do remember he came out -- we met  
6   him on Kingsessing, on the corner. So,  
7   yeah. We waited at the car, at least.

8           Q.   So did you drive off after the  
9   second interaction?

10          A.   No. We stayed there.

11          Q.   But your car was parked on  
12   Kingsessing?

13          A.   Yeah.

14          Q.   And Lieutenant Disanto met you  
15   where your car was parked?

16          A.   Right.

17          Q.   Did you discuss the incident with  
18   Lieutenant Disanto?

19          A.   Yes.

20          Q.   What did you discuss?

21          A.   The details of what happened,  
22   basically.

23          Q.   Did you describe both interactions  
24   with plaintiffs?

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1 A. Yeah.

2 Q. Did you tell Lieutenant Disanto  
3 that you went back to the residence after  
4 the supervisor only call?

5 A. Yeah.

6 Q. What happened next?

7 A. He went up to the porch to knock  
8 and nobody answered the door there.

9 Q. Did you or Officer Schutte -- did  
10 you or Officer Schutte go with Lieutenant  
11 Disanto back to the door?

12 A. Yeah. We both did. But we stayed  
13 back down the sidewalk.

14 Q. Did Lieutenant Disanto knock on the  
15 door?

16 A. Yes.

17 Q. There was no answer inside?

18 A. No.

19 Q. How long did Lieutenant Disanto  
20 wait for an answer after knocking on the  
21 door?

22 A. I don't know how long he waited.  
23 He knocked. I mean, like, you know he's  
24 there. He knocks loud. Very loud.

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1           **Q. Did he knock louder than you**  
2           **knocked?**

3           A. I would say, yeah. He's a loud  
4           guy.

5           **Q. Did Lieutenant Disanto announce his**  
6           **presence when he got there?**

7           A. Yeah. He's -- yeah.

8           **Q. What did he announce?**

9           A. I'm pretty sure he announced,  
10          police.

11          **Q. Is it common practice when you're**  
12          **announcing your presence to give your**  
13          **names?**

14          A. Our names? No. It's just, police.  
15          You would say, police.

16          **Q. Did Lieutenant Disanto ever ask you**  
17          **why you responded to the supervisor only**  
18          **call?**

19          A. No. Because we told him the whole  
20          situation when he came.

21          **Q. Did you hear anything inside when**  
22          **Lieutenant Disanto knocked on the door?**

23          A. No. I, generally, just -- I was by  
24          the sidewalk. So I'm just looking at the

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1 lieutenant. That's all. I wasn't really  
2 paying attention.

3 **Q. What happened after no one answered**  
4 **when Lieutenant Disanto showed up?**

5 A. I believe he wrote invest prem.

6 **Q. Excuse me.**

7 A. He wrote investigate premise, I  
8 believe.

9 **Q. What is investigate premise?**

10 A. Stating that he knocked, responding  
11 for a complaint on police, and negative  
12 results on making contact.

13 Not in those words but, yeah.

14 **Q. Is there some form that investigate**  
15 **premise goes on?**

16 A. 48.

17 **Q. 7548?**

18 A. 7548.

19 **Q. And is that something that he**  
20 **filled out?**

21 A. Yeah. He should have.

22 **Q. He should have?**

23 A. He should have, yeah.

24 **Q. Did you fill out a 7548 in**

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1 connection with this incident?

2 A. I did, yeah.

3 Q. So both of you should have filled  
4 out your own 7548?

5 A. Right.

6 Q. Would Officer Schutte have to fill  
7 out his own 7548, also?

8 A. No, because we're partners.

9 Q. Do you remember what you wrote in  
10 the 7548?

11 A. Probably that the matter was  
12 settled between both parties and no  
13 assistance was needed on our part.

14 Q. Did you describe the second  
15 interaction with plaintiffs in the 7548?

16 A. No. I don't think so.

17 Q. Why not?

18 A. Because I didn't -- I just thought  
19 of it as one job. I didn't think it was  
20 relevant.

21 Q. Why wouldn't that have been  
22 relevant?

23 A. Because it was -- there was nothing  
24 that was done wrong. So I just did what

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1 the main job was about, basically, the  
2 custody issue itself.

3 **Q. So you --**

4 MR. MCCLAM: I'm going to  
5 ask the court reporter to mark  
6 this document as Navedo-3.

7 (Whereupon the document  
8 was marked, for identification  
9 purposes, as Exhibit Navedo-3.)

10 BY MR. MCCLAM:

11 **Q. Take a minute to review Exhibit-3.**

12 A. Okay.

13 **Q. Do you recognize Exhibit-3?**

14 A. Yeah.

15 **Q. Are you familiar with it?**

16 A. Yes.

17 **Q. What is Exhibit-3?**

18 A. It's a 7548 that was written in  
19 regards to the job.

20 **Q. Did you complete 7548 forms like**  
21 **this in the ordinary course of your**  
22 **business?**

23 A. Yeah.

24 **Q. If you look down at the bottom**



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1     **where it says, report prepared by.**

2           A.    Yeah.

3           **Q.    Do you see it says Navedo/Schutte**  
4     **there?**

5           A.    Hmm-mm.

6           **Q.    You're the one that wrote this**  
7     **report; correct?**

8           A.    I think so.   Yeah.

9           **Q.    Did Schutte review it before this**  
10    **report was submitted?**

11          A.    I don't know.   I don't know if he  
12    did.

13          **Q.    What happens after you complete a**  
14    **7548 report?**

15          A.    Sometimes I show it to him or I'll  
16    just read it out loud, whatever.

17          **Q.    By him you mean Officer Schutte?**

18          A.    Yes.

19          **Q.    Then, what happens to the report?**

20          A.    We turn it in to the 48 person who  
21    enters it into the computer.

22          **Q.    The 48 person?**

23          A.    Yeah.   In the inside operations  
24    room we have a person who's designated to

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1 enter 48s into the system.

2 **Q. Okay. Could you read the**  
3 **description section of the 7548 out loud?**

4 A. Police responded to above location  
5 for a check on well-being on a juvenile  
6 due to visitation rights. Matter was  
7 clarified and resolved without police  
8 assistance. Police were called back to  
9 above location for a request of a  
10 supervisor. 12DC responded and knocked  
11 multiple times, but no response at the  
12 door.

13 **Q. Is that an accurate description of**  
14 **your interactions with plaintiffs on**  
15 **September 14th, 2015?**

16 A. Yeah, for the most part, minus  
17 coming back the second time. But I mean I  
18 didn't -- that's it, yeah.

19 **Q. Why didn't you include the part**  
20 **about you and Officer Schutte responding**  
21 **to the supervisor only call in your 7548**  
22 **report?**

23 A. Well, it is included technically.  
24 It says police were called back to above

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1 location for a request for a supervisor.  
2 So it's still saying we went back. And in  
3 the computer it's saying that we're on  
4 location already.

5 **Q. The supervisor was called back for**  
6 **the request of a supervisor; correct?**

7 A. Right.

8 **Q. You and Officer Schutte were not**  
9 **called back?**

10 A. No. But our job -- what I'm saying  
11 is that we're on location on the computer  
12 so we're there. So that's why we went  
13 back, because we were supposed to be  
14 there.

15 **Q. Do you typically omit interactions**  
16 **with complainants when you fill out 7548**  
17 **forms?**

18 A. No. It's not something I did  
19 purposely. It's just I thought I put the  
20 general information that I needed down.

21 **Q. Generally, do you include every**  
22 **interaction that you have with witnesses**  
23 **when you fill out these forms?**

24 A. Yeah.

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1           **Q. But this time you omitted one of**  
2           **those interactions; right?**

3           A. I didn't see it as omitting  
4           anything. It's just -- I mean we were  
5           there. It's not something that I'm trying  
6           not to put on paper. But, obviously, we  
7           went over the air saying that as well.

8           **Q. Prior to this incident had anybody**  
9           **ever call in a complaint about you before?**

10          A. Yeah. Probably.

11          **Q. Is it a frequent event?**

12          A. It happens all the time. I mean  
13          that's for every officer that's out there.  
14          It's not something that's uncommon.

15                       MR. MCCLAM: We've been  
16                       going for about an hour. Let's go  
17                       off the record for another quick  
18                       break.

19                       (Whereupon, a brief recess  
20                       was taken.)

21          BY MR. MCCLAM:

22          **Q. Officer Navedo, I'm going hand you**  
23          **an exhibit that I'm going to ask the court**  
24          **reporter to mark as Navedo-4.**

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1                   (Whereupon the document  
2                   was marked, for identification  
3                   purposes, as Exhibit Navedo-4.)

4 BY MR. MCCLAM:

5           Q. Please take a minute to review  
6 Exhibit-4.

7           A. Okay.

8           Q. Have you had a chance to review  
9 Exhibit-4?

10          A. Yeah.

11          Q. Do you recognize Exhibit-4?

12          A. Yes.

13          Q. Are you familiar with it?

14          A. Yes.

15          Q. What is Exhibit-4?

16          A. Internal Affairs interview, it's  
17 the questions and answers of what happened  
18 in that particular situation.

19          Q. By that particular situation you  
20 mean the incident that we're talking about  
21 today?

22          A. Yes.

23          Q. Did you do your best to be truthful  
24 and accurate in the statement you gave in

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1     **Exhibit-4?**

2           A.   Yes.

3           Q.   Was this statement made on November  
4     5th, 2015 -- looking at the date and time  
5     line?

6           A.   Oh, yes.

7           Q.   And November 5th, 2015 would have  
8     been almost two months after the incident;  
9     is that correct?

10          A.   Correct.

11          Q.   Do you see that the statement took  
12     place at a 11:45 p.m.

13                 Was that before your shift that  
14     evening?

15          A.   I'm sorry. Say that again.

16          Q.   The statement took place at 11:45  
17     p.m.; is that right?

18          A.   Yes.

19          Q.   Is that before you had a shift that  
20     evening?

21          A.   No. That's when your shift starts.  
22     You're not paid overtime for internal  
23     affairs interviews.

24          Q.   So you gave this statement and then

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1    **you went on your shift; is that right, or**  
2    **is it during your shift?**

3       A.   It's during the shift.  There's no  
4    overtime paid.  So that why it says 11:45  
5    p.m., because have to punch in at internal  
6    affairs saying that we were there and we  
7    wait for them there to come interview us.  
8    And then when we're done go back to the  
9    district.

10       **Q.  Do you know what's meant by the**  
11    **heading, Appointment Date?**

12       A.   Yes.

13       **Q.  What is Appointment Date?**

14       A.   That's the date I started -- I was  
15    appointed to the job -- I started working.  
16    I was put in the acad -- it was my first  
17    day at the academy.

18       **Q.  The appointment date is the first**  
19    **day of your academy?**

20       A.   Yes.

21       **Q.  And your appointment date was**  
22    **February 22nd, 2010; is that right?**

23       A.   Yes.

24       **Q.  And what is the assignment?**

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1       A. The assignment date is 10/31/11 --  
2 oh, that's when I was -- I graduated the  
3 academy and was put in the 25th District.

4       **Q. So is the assignment date your**  
5 **first date on the job as a police officer**  
6 **after completing the academy?**

7       A. Yeah.

8       **Q. Interviewed by, it says, Lieutenant**  
9 **Joseph McGarrey; is that right?**

10      A. Yes.

11      **Q. Who is Joseph McGarrey?**

12      A. A lieutenant in Internal Affairs  
13 that conducts interviews.

14      **Q. It says, record by same.**

15               **What does that mean?**

16      A. He's the one that type what I'm  
17 saying in the computer.

18      **Q. Lieutenant McGarrey typed down your**  
19 **responses?**

20      A. Yes.

21      **Q. Did he -- was this interview**  
22 **recorded by a tape recorder?**

23      A. No.

24      **Q. So you gave a statement orally and**



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1 he wrote it down?

2 A. Correct.

3 Q. Who is Danielle Nitti?

4 A. That would be my attorney. So I  
5 guess my FOP representative -- FOP lawyer.

6 Q. What do you mean FOP?

7 A. Fraternal Order of Police. They  
8 provide our services where we can hire  
9 lawyers that are from the department.

10 Q. Did you meet with Danielle Nitti  
11 before giving this statement?

12 A. I did meet with her but it's not --  
13 you mean to case prep or, like, hey?

14 Q. Did you meet with her at all?

15 A. When I came in she was there in the  
16 waiting area. And she said I'll be  
17 representing you. So she just sat down  
18 with me. We didn't review anything.

19 Q. Did you discuss the incident with  
20 Officer Schutte before giving this  
21 statement?

22 A. No.

23 Q. I want to point your attention to  
24 the page with the number at the bottom

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1 right-hand corner that we call Bates  
2 numbers, Bates number D061, the second  
3 page of this exhibit.

4 A. Yes.

5 Q. In the middle large paragraph, I'm  
6 going to read the third to the last  
7 sentence states, This time, the male was  
8 very hostile towards us and told us to get  
9 the fuck off the porch and then he slammed  
10 the door.

11 Did I read that correctly?

12 A. Where we at? Oh, yeah, yeah. Yes.

13 Q. Does this refresh your recollection  
14 as to whether on the second interaction  
15 with the plaintiffs the door was ever  
16 opened?

17 A. Yeah. I guess the door was open.

18 Q. Do you recall seeing anything  
19 through the door?

20 A. Seeing anything through the door?

21 Q. Correct.

22 A. No, I don't recall, honestly.  
23 It's, like, three years ago.

24 Q. So you don't -- do you recall now

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1 after reading this that the door was  
2 opened and then slammed?

3 A. I do remember the yelling. But,  
4 yeah. Yes. I would say, yes.

5 Q. Yes, you remember the door being  
6 opened?

7 A. Yes.

8 Q. Who opened the door?

9 A. I don't know. I don't remember if  
10 it was her or him.

11 Q. You don't recall any of the  
12 circumstances around the door being opened  
13 in this second interaction with the  
14 plaintiffs; is that right?

15 A. As I'm reading this I can remember  
16 the door being opened. I can't remember  
17 who responded to the door first. But --  
18 and I remember there was yelling.

19 Q. I want to point your attention to  
20 the page with Bates number ending in 62.

21 A. Yes.

22 Q. The third page of Exhibit-4.

23 Your second to last answer says,  
24 we're going back up the lieutenant, but

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1     also the first time we were there  
2     everything was fine. And we attempted to  
3     see if there something that we could  
4     resolved to assist the complainant. The  
5     lieutenant was coming a distance and we  
6     didn't want the complainant to have to  
7     wait if it was something we could handle.

8             Do you see that?

9     A. Yeah.

10     Q. Did I read that accurately?

11     A. Yeah.

12     Q. You stated that the lieutenant was  
13     coming a distance.

14             How did you know where the  
15     lieutenant was at the time?

16     A. Well, according to the radio  
17     transmissions he said that he was coming  
18     from Wawa.

19             THE COURT REPORTER:

20             Coming from where?

21             THE WITNESS: Wawa.

22     BY MR. MCCLAM:

23     Q. Okay. Let's look back at  
24     Exhibit-2. Now if you look on Bates

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1     **Number D74, do you see that?**

2           A.    Yeah.

3           **Q.    It says, sir, be advised we have a**  
4     **supervisor only.**

5           A.    Right.

6           **Q.    He doesn't say in this call he was**  
7     **at the Wawa; correct?**

8           A.    No.   It's further in.

9           **Q.    It's after you and Officer Schutte**  
10    **responded to the supervisor only call to**  
11    **say that they no longer needed a**  
12    **supervisor that he stated that he was at**  
13    **Wawa; is that right?**

14          A.    Right.

15                Hold on.   Say that again.   I'm  
16    sorry.

17          **Q.    The call on D76.**

18                Do you see that?

19          A.    Yeah.

20          **Q.    That was after the second**  
21    **interaction where you and Officer Schutte**  
22    **responded to the supervisor only call;**  
23    **correct?**

24          A.    Right.

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1           Q.    So at the time you decided to  
2    respond to the supervisor only call, you  
3    didn't know where the lieutenant was;  
4    correct?

5           A.   No.   Prior to him stating where he  
6    was I didn't know where he was.

7           Q.    You didn't know that the lieutenant  
8    was coming from a distance when you  
9    decided to respond to the supervisor only  
10   call?

11          A.    Correct.

12          Q.    During this interview did  
13   Lieutenant Joseph McGarrey write down  
14   every word that was said?

15          A.    What do you mean, the questions  
16   he's asking me?

17          Q.    Right.

18          A.    Yes.

19          Q.    I'm going to hand you a document  
20   and ask the court reporter to mark  
21   Navedo-5?

22                               (Whereupon the document  
23                               was marked, for identification  
24                               purposes, as Exhibit Navedo-5.)

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1 BY MR. MCCLAM:

2 Q. Take a minute to review Exhibit-5.

3 A. Okay.

4 Q. Do you recognize Exhibit-5?

5 A. Yes.

6 Q. What is it?

7 A. It says, MDT Message Log Report.

8 Q. What is it?

9 A. Basically, what our computer is  
10 saying everything that we're getting  
11 transmitted on a computer.

12 Q. So this is a transcription of what  
13 you would have seen during the incident --

14 A. Yeah.

15 Q. -- on September 14th, 2015?

16 A. Right.

17 Q. Will you turn to the second page,  
18 D68.

19 Is this what you would have seen on  
20 September 14th, at 12:14 a.m.?

21 A. Yes.

22 Q. It says, Type: IVPRM, parenthesis,  
23 investigate premises; is that right?

24 A. Yes.

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1 Q. And Priority: 5?

2 A. Right.

3 Q. What does Priority 5 mean?

4 A. It's basically one of the lowest  
5 priorities, because it's not a job that  
6 was called in by 911. It's like a  
7 pedestrian site job. So if we're just  
8 seeing a location, invest prem, whatever,  
9 that's how they would drop it. It's the  
10 lowest priority.

11 Q. How many priority levels are there?

12 A. One to five.

13 Q. One being the highest priority?

14 A. Yes.

15 Q. Five being the lowest priority?

16 A. Correct.

17 Q. If you turn over to the next page.

18 Now, is this what you would have seen --  
19 is Page D69 what you would have seen on  
20 your computer screen at 12:48 a.m., on  
21 September 14th, 2015?

22 A. Yeah.

23 Q. Where it says, Entered, by C21, do  
24 you know what that means?



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1       A. That would be -- that's the  
2       dispatcher's call sign. So the 911 call  
3       taker, that's her call sign.

4       **Q. Okay. It says, Dispatched by BO 5.**  
5       **Do you know what BO 5 is?**

6       A. Yeah. That's the radio. That  
7       would be the people that are actually  
8       talking to the police over the air. B is  
9       for backup. So there's two people on each  
10      station. The primary would be PO 5.

11      **Q. Then it says, Type: CPOL,**  
12      **parenthesis, complaint against police; is**  
13      **that correct?**

14      A. Yeah.

15      **Q. So at 12:48 a.m., you and Officer**  
16      **Schutte would have seen on your computer**  
17      **screen that there was a complaint against**  
18      **police?**

19      A. Well, yeah. I mean when I heard it  
20      over the air that's when I probably looked  
21      it up.

22      **Q. And when you looked it up, this is**  
23      **what would have shown up on your computer**  
24      **screen?**

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1 A. Right.

2 Q. What does routed 12 mean?

3 A. Routed 12?

4 Q. Next to District/Sector --

5 THE COURT REPORTER: Can I  
6 get a cough drop?

7 MR. MCCLAM: Sure.

8 BY MR. MCCLAM:

9 Q. Looking at on D69, it says,  
10 District/Sector: 124. And then it says,  
11 Routed: 12.

12 Do you know what Routed: 12 means?

13 A. Yes. 12th District.

14 Q. And below that it says, male  
15 complaints, in ref to officer responding  
16 for a custody dispute, male requesting a  
17 supervisor.

18 Do you see that?

19 A. Yes.

20 Q. Did you see this on your computer  
21 screen before responding to the supervisor  
22 only call?

23 A. I'm sorry. What?

24 Q. Did you see the male requesting a

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1 supervisor note on your computer screen in  
2 your police car before you and Officer  
3 Schutte responded to the supervisor only  
4 call?

5 A. Right. Yes.

6 MR. MCCLAM: I'm going to  
7 ask the court reporter to mark  
8 this document Navedo Exhibit 6.

9 (Whereupon the document  
10 was marked, for identification  
11 purposes, as Exhibit Navedo-6.)

12 BY MR. MCCLAM:

13 Q. Take a minute to review Exhibit-6,  
14 sir.

15 A. Hmm-mm. Okay.

16 Q. Do you recognize Exhibit-6?

17 A. Yes.

18 Q. Are you familiar with it?

19 A. Yes.

20 Q. What is Exhibit-6?

21 A. It's a police patrol activity log.

22 Q. Did you fill out Exhibit-6?

23 A. Yeah. I think so.

24 Q. Did you fill out all the entries or

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1 did Officer Schutte fill out some of them?

2 A. No, I believe I did.

3 Q. In the -- what is the purpose of  
4 Exhibit-6, sir?

5 A. It basically record and track what  
6 we do for the shift.

7 Q. If you look in the equipment check  
8 box --

9 A. Huh-huh. You said equipment check  
10 box?

11 Q. Yes.

12 A. Yeah.

13 Q. Do you see that?

14 A. Yeah.

15 Q. Do you see where it says MDT  
16 Working?

17 A. Yes.

18 Q. The yes box is checked; correct?

19 A. Correct.

20 Q. Your MDT system was working on  
21 September 14th, 2015; correct?

22 A. Correct.

23 Q. And then go two lines down its  
24 says, location 1242 South 51st Street.

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1           **Do you see that?**

2           A.   Yeah.

3           **Q.   This is the recording of the -- or**  
4           **a recording of the incident on 1242 South**  
5           **51st Street; is that right?**

6           A.   Right.

7           **Q.   If you turn to the next page, did**  
8           **you also complete the information on**  
9           **Exhibit-6, Page D133?**

10          A.   Yes.

11          **Q.   It says at the top, 1242 South 51st**  
12          **Street; is that right?**

13          A.   Right.

14          **Q.   What is the purpose of this page?**

15          A.   It's a continuation of the front.  
16          But the top part what it's saying is  
17          Lieutenant Disanto signed this at 1242  
18          South 51 at 1:14 in the morning.

19          **Q.   Why did Lieutenant Disanto sign**  
20          **this?**

21          A.   He's required to sign all patrol  
22          logs.

23                   Whoever the supervisor is that  
24          night they're required to sign the

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1 officer's log for the night.

2 Q. At the end of the night?

3 A. During the shift and at the end.

4 Q. Okay. Location down at the bottom  
5 says, R/C and there's some kind of chart  
6 there.

7 What is that chart?

8 A. This is dividing -- whenever you  
9 have activity -- car stops, radio call,  
10 arrest, whatever, you mark down the  
11 activity so they can counted for you at  
12 the end of the day, the week, the month,  
13 and the year.

14 Q. So is it saying you each responded  
15 to three incidents or he responded to  
16 three and you responded to three?

17 A. Right. Yes.

18 Q. Which ones -- that was a bad  
19 question.

20 What does the three and three?

21 A. It's just three radio calls. We  
22 responded to three radio calls each.

23 Q. So together you responded to six  
24 radio calls?

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1       A. No, no, no. Individually. I got  
2       three radio calls. Let's say if we have  
3       car stops, we don't share car stops, but  
4       we share radio calls as partners. But  
5       when it comes to a car stop one has to  
6       take one. If we get two car stops a  
7       night, he'll get one, I'll get one and  
8       then you count that up together as two.  
9       But when it comes to a radio call you're  
10      individually mark with that.

11      **Q. So for a car stop, one of you went**  
12      **to the car and the other one would stay in**  
13      **your patrol vehicle?**

14      A. No, no, no. It's kind of -- it's a  
15      little weird, but you don't split car  
16      stops. And for example, an arrest you  
17      would split to get partial credit for an  
18      arrest. So it would be point 5 and point  
19      5. Any type of ped stop or car stop you  
20      don't split. Any type of TVR tickets,  
21      moving violations or parking violations or  
22      CVNs you don't split. The only ones you  
23      can split are arrests. Radio calls across  
24      the board, you respond, you go, you get

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1 credit for the entirety of the job.

2 **Q. Even if you go together?**

3 A. Right. So he got three and I got  
4 three for the night.

5 **Q. So did one of you get credit for**  
6 **the radio call to plaintiffs' residents?**

7 A. We both did. When it comes to  
8 radio calls we both get credit for it.

9 **Q. Down on the bottom left, on D133,**  
10 **it says, operator's name, and it says,**  
11 **Navedo.**

12 **What does it mean by operator?**

13 A. I'm the one that drove that night.  
14 I operated the patrol vehicle. And the  
15 recorder is passenger, basically. So most  
16 of the paperwork, but apparently not this  
17 night.

18 **Q. So usually if you're driving**  
19 **Officer Schutte would record this kind of**  
20 **paperwork that we see here in Exhibit-6?**

21 A. Right. But if I'm driving 90  
22 percent of the time, I'm not going to,  
23 obviously, let him do all the paperwork.  
24 So I'm going to help him out.



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1 MR. MCCLAM: I'm going to  
2 ask the court reporter to mark  
3 this document as Navedo-7.

4 (Whereupon the document  
5 was marked, for identification  
6 purposes, as Exhibit Navedo-7.)

7 BY MR. MCCLAM:

8 Q. Take a minute to review Exhibit-7,  
9 which is titled, Philadelphia Police  
10 Department Memorandum (01-09); Subject,  
11 Custody Disputes Involving Minor Children.

12 I'll note for the record that this  
13 is the order of pages that we received  
14 this document in. But if you look above  
15 the D304 number you'll see individual page  
16 numbers and it goes one, three, two. --  
17 just when your reviewing this, I'll note  
18 that.

19 A. Okay. Go ahead.

20 Q. Do you recognize Exhibit-7?

21 A. Yes.

22 Q. Did I describe it accurately?

23 A. Yes. It's the commissioner's  
24 memorandum that specifically targets the

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1 subject of custody disputes involving  
2 minors.

3 Q. Have you ever seen this memorandum  
4 before?

5 A. Yeah.

6 Q. Have you ever been trained on it?

7 A. Yes.

8 Q. Do you recall when the last time  
9 you were trained on this memorandum was?

10 A. No.

11 Q. If you look in the Definitions  
12 section. Do you see "At Risk"?

13 A. Hmm-mm.

14 Q. It says, "At Risk" - when facts and  
15 circumstances exist whereby the officer  
16 believes that the immediate health, safety  
17 and/or welfare of a minor child is  
18 threatened or in jeopardy.

19 Do you see that?

20 A. Right.

21 Q. Did you consider the child  
22 described by Ms. Mohammed, on September  
23 14th, 2015 to be at risk?

24 A. No.

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1 Q. Let's go over to D306?

2 A. 06?

3 Q. Yes. Page 2 of the memo. In the  
4 Patrol Officer, Paragraph 1, it says,  
5 After the verification of a founded  
6 custody dispute, request the presence of a  
7 supervisor, if not already dispatched.

8 Do you see that?

9 A. Where?

10 Q. At the top?

11 A. Oh, at the top; right.

12 Q. Right. Top paragraph.

13 Does this paragraph mean that after  
14 you find a founded custody dispute you're  
15 required to contact a supervisor?

16 A. Yeah.

17 Q. Did you -- what is founded custody  
18 dispute mean?

19 A. Basically we made contact with the  
20 father and child on location.

21 Q. Was it a founded custody dispute  
22 after Ms Mohammed showed you her  
23 paperwork?

24 A. Yes.

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1 Q. So at that point should you have  
2 contacted your supervisor?

3 A. Yeah.

4 Q. Let's go down to Paragraph 3. It  
5 says, if the child is not at risk and a  
6 custody order exists; correct?

7 A. Yeah.

8 Q. In this scenario, when Ms. Mohammed  
9 came in and reported the custody dispute,  
10 you knew the child was not at risk;  
11 correct?

12 A. Sorry. Say that again.

13 Q. When you stated earlier that after  
14 speaking with Ms. Mohammed you did not  
15 believe the child at issue was at risk; is  
16 that right?

17 A. Right.

18 Q. I think you also stated earlier  
19 that Ms. Mohammed showed you a custody  
20 order; is that right?

21 A. Right.

22 Q. Then, if you look at 3B, it says,  
23 regardless of any written custody order,  
24 the officer should not disturb physical

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1 custody of the child. The officer will  
2 not personally, nor at the complainant's  
3 direction have the child delivered to the  
4 complaining or another party.

5 Did I read that accurately?

6 A. Yeah, I guess.

7 Q. Does this refresh your recollection  
8 as to whether or not a police officer can  
9 order a parent to provide custody to  
10 another individual of a child?

11 A. Right.

12 Q. Right; that's correct?

13 A. That's correct.

14 Q. Did you ever receive training  
15 informing you of this?

16 A. Yes.

17 Q. So if you had found out that Ms.  
18 Mohammed was, in fact, entitled to custody  
19 of the child, would you have been able to  
20 take the child from Mr. Hunter and provide  
21 her to Ms. Mohammed?

22 A. I wouldn't do that without --

23 MS. FUNG: Objection to  
24 the form of the question, but you

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1 can answer.

2 THE WITNESS: I wouldn't  
3 do that without a supervisor  
4 there. I mean I'm going to ask  
5 and if they don't want to I'm  
6 going to call the supervisor.

7 BY MR. MCCLAM:

8 Q. I'm going to play a couple of audio  
9 recordings from -- that were produced to  
10 us in this case. And if you need me to  
11 play it multiple times let me know. One  
12 of the questions I'm going to be asking is  
13 who the voices are.

14 PLAYBACK OF AUDIO RECORDING:

15 Monday, September 14, 2015, 0:14  
16 and 20 seconds.

17 Male voice: 1201.

18 Female voice: 1201.

19 Male voice: Make us available  
20 using the same, hold us out to 1242 South  
21 51st Street, invest prem.

22 Female voice: Received.

23 BY MR. MCCLAM:

24 Q. Did listening to that recording

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1    **your recollection as to who called in, you**  
2    **and Officer Schutte's arrival at the**  
3    **residence, in the first instance, on**  
4    **September 14th?**

5       A.   Yeah.  It doesn't really sound like  
6   me, but I don't think so.

7       **Q.   Was it you?**

8       A.   It must be a tired version of me  
9   but, yeah, I guess so.  I don't know.

10      **Q.   Was it Officer Schutte?**

11      A.   I don't know.  I'm not sure.

12      **Q.   You're not sure.**

13           **We'll play it one more time and the**  
14   **if you're still not sure let me know.**

15           PLAYBACK OF AUDIO RECORDING:

16           Monday, September 14th, 2015,

17   0:14 and 20 seconds.

18           Male voice:  1201.

19           Female voice:  1201.

20           Male voice:  Make us available  
21   using the same, hold us out to 1242 South  
22   51st Street, Invest prem.

23           Male voice:  Received.

24           THE WITNESS:  I guess that

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1 was me.

2 BY MR. MCCLAM:

3 Q. You think that was you?

4 A. Yeah.

5 Q. Now, I'm going to play a call from

6 1:06 a.m.

7 PLAYBACK OF AUDIO RECORDING:

8 Monday, September 14, 2015, 01:06

9 and 08 seconds.

10 Male voice 1: 1201.

11 Male voice 2: That last unit?

12 Male voice 1: 1201.

13 Male voice 2: 1201.

14 Male voice 1: You can RTF us and

15 you can resume Command. They no longer

16 need a supervisor.

17 Male voice 2: They just called

18 back again for another one. Are you sure

19 about that?

20 Male voice 3: 12 Command. Let

21 them know that I am almost there. I was

22 coming from the Wawa. I'll be right

23 there.

24 Male voice 2: Okay.



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1 BY MR. MCCLAM:

2 Q. Do you know whether that call at  
3 1:06 a.m. was made by you?

4 A. The transmission at 1201? Yeah,  
5 that's mine. That's me.

6 Q. That's you? Okay.

7 Are there any questions -- let me  
8 start over. Are there any answers to my  
9 questions that I've asked so far today  
10 that you wish to change before I finish my  
11 turn at this deposition?

12 A. No. Nothing that I can think of.

13 MR. MCCLAM: Okay. I will  
14 pass the witness.

15 We'll go off the record.

16 (Discussion was held off  
17 the record.)

18 MS. LASTOWSKI: Just give  
19 me a minute.

20 MS. FUNG: Sure.

21 BY MS. LASTOWSKI:

22 Q. Officer Navedo, I introduced myself  
23 in the beginning of the deposition, but my  
24 name is Alex Lastowski. I represent the

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1 plaintiff, Darus Hunter in this matter.  
2 I'll just remind you that the deposition  
3 rules and pointers that my co-counsel  
4 shared apply right now while we're  
5 talking.

6 A. Okay.

7 Q. So verbal answers. We won't speak  
8 over one another. But I'm sure we'll  
9 remind each other if we're forgetting any  
10 of those rules.

11 And just so you know how the rest  
12 of your afternoon is going to go, I'll ask  
13 you some questions about some training you  
14 received and then your counsel will have  
15 an opportunity to ask you questions if she  
16 decides to do so.

17 A. Okay.

18 Q. I just wanted to follow up on one  
19 question that Mr. McClam had asked you  
20 earlier about, the children who you saw  
21 during your visit on September 14th, 2015  
22 to Mr. Hunter's home.

23 You mentioned that you saw the  
24 child who was the subject of the custody

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1     **dispute; correct?**

2           A.   Correct.

3           **Q.   And can you tell me or describe for**  
4     **me any other children who you came in**  
5     **contact with or who you viewed during your**  
6     **different visits to Mr. Hunter's home?**

7           A.   There was a male and female  
8     that's -- I don't know what else you want  
9     me to say.

10          **Q.   Sure.   So there was the child who**  
11     **was the subject of the custody dispute;**  
12     **correct?**

13          A.   Hmm-mm.

14          **Q.   That's yes?**

15          A.   Yes, I'm sorry.

16          **Q.   That's okay.**

17                **Then there was a male child?**

18          A.   Yes.

19          **Q.   Was there another female child?**

20          A.   I only remember two children there.

21          **Q.   Officer Navedo, do you know whether**  
22     **the Philadelphia Police Department has a**  
23     **directive outlining how the police**  
24     **department is supposed to accept and**

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1 process citizen's complaints?

2 A. Yes.

3 Q. So you are aware that the  
4 department has a directive on that?

5 A. Yes.

6 MS. LASTOWSKI: I'll mark  
7 this exhibit as Exhibit-8.

8 (Whereupon the document  
9 was marked, for identification  
10 purposes, as Exhibit Navedo-8.)

11 BY MS. LASTOWSKI:

12 Q. Feel free to take a look at the  
13 document.

14 Officer Navedo, I've handed you a  
15 document that's Bates stamped D282, and  
16 it's Directive 12.18 from the Philadelphia  
17 Police Department. Subject: Complaints  
18 Against the Philadelphia Police  
19 Department.

20 Do you see all that?

21 A. Yes.

22 Q. Do you recognize this document?

23 A. Yes.

24 Q. Have you seen it before?

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1 A. Yeah.

2 Q. Do you recall the first time that  
3 you saw it?

4 A. The first time was in the academy.

5 Q. So you recall seeing this directive  
6 during your training in the police  
7 academy?

8 A. Yes.

9 Q. Have you seen this document since  
10 the police academy?

11 A. Maybe.

12 Q. So you're not sure whether you've  
13 seen this document since the police  
14 academy?

15 A. No.

16 Q. Let's take a look -- I'm sorry.  
17 Well, let's take a look at the issue date,  
18 which is at the top of the document.

19 It says it was issued August 29th,  
20 2014; correct?

21 A. Yes.

22 Q. And the effective date, also,  
23 August 29th, 2014; correct?

24 A. Correct.

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1 Q. And the document was updated on May  
2 15th, 2015; correct?

3 A. Correct.

4 Q. So you agree that this directive  
5 was in effect during your interactions  
6 with Mr. Hunter on September 14, 2015;  
7 correct?

8 A. Correct.

9 Q. So taking a look under the heading,  
10 Policy here, that first paragraph. The  
11 second sentence reads that -- and I won't  
12 read the entire sentence -- the  
13 Philadelphia Police Department personnel  
14 shall inform any person who wishes to make  
15 a complaint against a police officer of  
16 the existence of the formal complaint  
17 procedure and shall refer such persons to  
18 those locations listed in Section 2-A of  
19 this directive.

20 Did I read that correctly?

21 A. Yes.

22 Q. So would you agree that for this  
23 directive, if a citizen calls in to make a  
24 complaint that the Philadelphia Police

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1 Department is obligated, first, to inform  
2 that person of a formal police procedure;  
3 correct?

4 A. Correct.

5 Q. And then refer that person to a  
6 location where they can call file that  
7 complaint --

8 A. Correct.

9 Q. -- is that right?

10 And if we flip to the second page,  
11 under -- excuse me, the third page, which  
12 is Bates stamp D284 at the bottom.

13 Do you see that?

14 A. Yes.

15 Q. Do you see here under the heading,  
16 3, Procedures for Recording and Processing  
17 Complaints there's a series of steps that  
18 the Philadelphia Police Department is to  
19 follow when they are accepting and  
20 investigating a citizen's complaint.

21 Would you agree with that?

22 A. Yes.

23 Q. Now, we've discussed at length that  
24 at some point during the morning of

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1     September 14th, 2015 you became aware that  
2     Mr. Hunter had complained about you and  
3     Officer Schutte -- had complained about  
4     your visit to his home on the morning of  
5     September 14, 2015; correct?

6             A.    Yes.

7             Q.    That was a bad question, but you  
8     understood it?

9                     MS. FUNG:   Can you read --

10                    MS. LASTOWSKI:   I'll

11                    re-ask it again.   Sure.

12     BY MS. LASTOWSKI:

13             Q.    You visited Mr. Hunter's home on  
14     the morning of September 14th, 2015;  
15     correct?

16             A.    Yes.

17             Q.    You became aware after that first  
18     visit that Mr. Hunter had called in and  
19     complained about you and Officer Schutte;  
20     correct?

21             A.    Yes.

22             Q.    And you told us that you returned  
23     to Mr. Hunter's home after you learned  
24     that he had called to complain about you;



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1 correct?

2 A. Yes.

3 Q. And I know you returned again with  
4 Lieutenant Disanto, but I'm talking about  
5 that second visit, so we understand.

6 A. Yes. Hmm-mm.

7 Q. Your purpose in returning to  
8 Mr. Hunter's home was to understand and  
9 investigate why he had filed a complaint;  
10 is that right?

11 A. Correct.

12 Q. So taking a look back at Directive  
13 12.18, which is right in front of you, we  
14 see looking under Heading 3, Procedures  
15 for recording and processing complaints.

16 Can you show me, if you're able to  
17 find it, where it directs an officer about  
18 who a citizen is trying to make a  
19 complaint should return to the home of the  
20 citizen who is making that complaint?

21 I mean you're welcome to look  
22 through the directive, but I'll tell you  
23 that that is not the process that's  
24 outlined in this directive.

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1       A. I understand that. But what  
2       happened there was the fact that we were  
3       supposed to have already be there. That's  
4       the reason why -- the initial reason why  
5       we went back.

6       Q. Well, you went there to follow up  
7       on a custody dispute; right?

8       A. Yes.

9       Q. And you visited Mr. Hunter's home  
10      to identify whether a custody order  
11      permitted one of his children to be at his  
12      home; correct?

13      A. Correct.

14      Q. And during your first interaction  
15      with Mr. Hunter you reviewed a custody  
16      order; correct?

17      A. Yes.

18      Q. And you were satisfied that  
19      Mr. Hunter properly had the child at  
20      issue; correct?

21      A. Yes.

22      Q. And then you left his home;  
23      correct?

24      A. Yes.

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1           Q.   So at that time you had completed  
2   the purpose for which you had been sent to  
3   Mr. Hunter's home; correct?

4           A.   Right.

5           Q.   So what did it matter that you were  
6   still on the job? What does that have to  
7   do at all with the fact that he had called  
8   to complain about you?

9           A.   Because we were -- on the MDT we  
10   are on location -- we're still on  
11   location.

12          Q.   I understand that.

13          A.   And we didn't see anything -- any  
14   reason why a complaint should come about.  
15   So we went back to see if we could do  
16   something further.

17          Q.   Does the directive state that if an  
18   officer about whom a citizen is trying to  
19   make a complaint disagrees with the basis  
20   for the complaint they should go and  
21   confront the complainant?

22          A.   No.

23                           MS. FUNG:  Objection.

24                           That's a mischaracterization of

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1           what's he saying.

2       BY MS. LASTOWSKI:

3           Q.   No, it does not say that; correct?

4           I mean what effect do you think  
5   that has on a citizen who is trying to  
6   make a complaint about their treatment by  
7   a police officer if those very officers  
8   return to his home and confront him about  
9   making a complaint?

10          Do you think that that encourages  
11   full and frank disclosure to the police  
12   about issues that citizens have about  
13   their treatment by the police?

14          A.   No.

15                       MS. FUNG:  Objection to  
16   the form.

17                   MS. LASTOWSKI:  I'm sorry.  
18   You're allowed to answer when she  
19   objects, and I should give her an  
20   opportunity to object.  So should  
21   you before you answer.

22       BY MS. LASTOWSKI:

23           Q.   But you would agree that if a  
24   citizen is trying to make a complaint

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1     about their treatment by police officers  
2     and those officers return to their home,  
3     that's not something you would tend to  
4     think would encourage other citizens to  
5     make complaints about officers.

6             Would you agree with that?

7             A. Well, see my thing was is that  
8     we -- it's not like we left on a bad note.  
9     We didn't have that in our mind as  
10    something bad happened. So there was  
11    not -- there shouldn't have been any  
12    tension between us.

13            Q. Why shouldn't there have been any  
14    tension, because you did not understand  
15    that the interaction went poorly?

16            A. Because we resolved the matter  
17    between both parties. There was nothing  
18    else.

19            Q. Is it possible that Mr. Hunter and  
20    Ms. Shujaa experienced a different  
21    understanding of how the interaction went?

22                   MS. FUNG: Objection to  
23                   form, but you can answer.

24                   THE WITNESS: Say it

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1           again.

2                       MS. LASTOWSKI: That's

3           fine. I'll move on.

4 BY MS. LASTOWSKI:

5       Q. I know we discussed earlier -- my  
6 co-counsel and you, Officer Navedo -- the  
7 type of training that you received when  
8 you began the Philadelphia Police  
9 Department.

10           I understand that you attended the  
11 police academy; correct?

12       A. Yes.

13       Q. And subsequent to that you have an  
14 annual recertification; is that right?

15       A. Correct.

16       Q. Can you remind me what that is  
17 called?

18       A. Municipal police officer  
19 recertification.

20       Q. And during that annual  
21 recertification are you trained on the  
22 same type of things that you were trained  
23 on in the academy or on a different set of  
24 directives or documents?

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1       A. It's retraining and it's also  
2 updates.

3       **Q. So if there had been any updates to**  
4 **directives or new directives in the past**  
5 **year, is that when you'll receive training**  
6 **on it?**

7       A. Correct. Well, no, because during  
8 the year you also get training as well.  
9 It's like the statewide training  
10 recertifications. And then throughout the  
11 months you'll have, like, your update  
12 memorandums that they tell the sergeants  
13 have to train you at roll call or  
14 something like that, and then you fill out  
15 a form saying you received training.

16       **Q. Got it. So the annual training is**  
17 **statewide?**

18       A. Right.

19       **Q. And do all the officers throughout**  
20 **the state receive that same type of**  
21 **training?**

22       A. Correct.

23       **Q. Then, throughout the year you have**  
24 **training at your district?**

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1 A. Yes.

2 Q. So it's district level training?

3 A. Correct.

4 Q. And that's conducted -- you used a  
5 phrase something called roll call?

6 A. Roll call. That's when we line up  
7 at 11:45 sharp.

8 Q. Got it.

9 A. And we are at attention and the  
10 sergeant addresses any type of complaints  
11 or issues, concerns citizens have or  
12 problem areas, or any type of special  
13 orders that we need to be given and  
14 assignments.

15 Q. And during that roll call you may  
16 also receive --

17 A. A training.

18 Q. -- a training.

19 A. Whatever updated training that  
20 comes down they'll discuss it at roll  
21 call, whether it be a paper or video. And  
22 then we'll sign off on receiving that  
23 training.

24 Q. Got it.



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1           Do you recall responding to  
2   interrogatories in this matter?

3           A.   No.

4           Q.   I can rephrase it. Interrogatories  
5   are questions that the parties can ask of  
6   the other parties.

7           Do you recall receiving certain  
8   questions that you had to answer and then  
9   responding to those questions related to  
10   this matter?

11          A.   Are you talking about the  
12   interviews?

13          Q.   No.

14                   MS. FUNG: Can we go off  
15   the record for a minute?

16                   MS. LASTOWSKI: Sure.

17                   (Discussion was held off  
18   the record.)

19                   MS. LASTOWSKI: I'll mark  
20   these two documents as Exhibit-9  
21   and 10. You can look at them.

22                   (Whereupon the document  
23   was marked, for identification  
24   purposes, as Exhibit Navedo-9.)

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1 (Whereupon the document  
2 was marked, for identification  
3 purposes, as Exhibit Navedo-10.)

4 BY MS. LASTOWSKI:

5 Q. Officer Navedo, I've handed you  
6 Exhibit-9, which are Plaintiffs'  
7 Interrogatories directed to you and  
8 Officer Navedo -- or excuse me, you and  
9 Officer Schutte. And Exhibit-10 are your  
10 responses -- your and Officer Schutte's  
11 responses to the interrogatories.

12 There's also some other information  
13 in there, but I'll direct you to where you  
14 should be looking.

15 So do you recall seeing the  
16 interrogatories that plaintiff served on  
17 you and Officer Schutte -- Exhibit-9?

18 A. Yes.

19 Q. So you've seen this document  
20 before?

21 A. Yes.

22 Q. We're going to be flipping to  
23 Interrogatory Number 10, which is on Page  
24 6 of the document of Exhibit-9.

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1 A. Okay.

2 MS. FUNG: Just to be  
3 clear, this doesn't include the  
4 updated answers that I submitted.  
5 I had amended responses. I think  
6 that was to the second set.

7 MS. LASTOWSKI: Yeah.

8 MS. FUNG: Let me just  
9 double check. I think you wanted  
10 more clarification. I could be  
11 wrong.

12 MS. LASTOWSKI: I know  
13 that we amended responses --

14 MS. FUNG: I don't have it  
15 on me, but I thought I -- I might  
16 be confusing it with another case.

17 MS. LASTOWSKI: You know  
18 what, we can just take a look at  
19 Exhibit-9, which are the  
20 interrogatories that we served and  
21 I'll just ask you the question  
22 that's here.

23 BY MS. LASTOWSKI:

24 Q. Taking a look at Page 6,

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1 Interrogatory Number 10.

2 Officer Navedo, do you see where I  
3 am?

4 A. Yes.

5 Q. So we asked you to identify any  
6 training, whether formal or informal,  
7 conducted by Philadelphia Police  
8 Department, on Executive Order Number 711  
9 and Philadelphia Police Directive 12.18.

10 So can you tell me -- in your own  
11 words right now, can you describe the type  
12 of training, whether formal or informal,  
13 that you received on Directive 12.18 that  
14 we just looked at?

15 MS. FUNG: Can we go off  
16 the record for a second?

17 MS. LASTOWSKI: Yeah.

18 (Discussion was held off  
19 the record.)

20 BY MS. LASTOWSKI:

21 Q. Officer Navedo, I'm going to ask  
22 you a different question. So here we  
23 asked you to identify any training,  
24 whether formal or informal, conducted by

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1 the Philadelphia Police Department, on  
2 this executive order and this Philadelphia  
3 Police directive.

4 What we were asking about was the  
5 training you received on Exhibit-8,  
6 titled, Philadelphia Police Directive  
7 12.18.

8 So if that helps to jog your  
9 memory, can you describe for me the type  
10 of training, formal or informal that you  
11 received on that directive?

12 A. I know in the academy we reviewed  
13 all directives and commissioner  
14 memorandums. So that's when we would have  
15 received full training. But in regards to  
16 this, when it comes to any updates or  
17 anything like that, I mean they give you  
18 the package and it's up to you to read it  
19 in depth. And the sergeant or whoever is  
20 in charge will give you a brief  
21 description of what's new or changed or  
22 what's going on.

23 Q. So you mentioned that during the  
24 police academy you received a packet of

Michael Navedo  
September 11, 2018

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1 all the directives or commission orders.

2 Is that what you said?

3 A. Commissioner's memorandum.

4 Q. Commissioner's memorandum.

5 You were trained at the police  
6 academy in 2010; is that right?

7 A. Yes.

8 Q. This directive was effective as of  
9 August 29th, 2014?

10 A. Correct.

11 Q. So you did not receive training on  
12 this directive at least as it exist as  
13 we're looking at it during your time at  
14 the police academy; correct?

15 A. Yeah, at the police academy, no.  
16 So I would have received it at the  
17 district.

18 MS. LASTOWSKI: Final  
19 exhibit, which would be  
20 Exhibit-11.

21 (Whereupon the document  
22 was marked, for identification  
23 purposes, as Exhibit Navedo-11.)  
24

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1 BY MS. LASTOWSKI:

2 Q. Officer Navedo, take a look at what  
3 I just handed to you. I believe it's a  
4 record of training materials you received  
5 at least since 2014.

6 A. Yes.

7 Q. Is that what this document looks  
8 like to you?

9 A. Yes.

10 Q. Have you seen this document before?

11 A. Yes.

12 Q. So just to confirm what I  
13 understand this document to reflect, it  
14 has your handwritten name at the top  
15 right-hand corner; is that right?

16 A. Correct.

17 Q. Then we have a date column.

18 Do those dates reflect the days on  
19 which you received training I'm?

20 A. Going to say, yes.

21 Q. And does the column item  
22 description reflect the topic of the  
23 training?

24 A. Yes.

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1           Q.   Sorry.  I just noticed that it says  
2   that training material receipt/record in  
3   the top left corner, do you see that --  
4   description of the document?

5           A.   Yes.

6           Q.   Tell me, does this reflect the  
7   training that you received or does it just  
8   reflect material that you received?

9           A.   It's both.  It's training and  
10   materials.

11          Q.   And this reflects your receipt of  
12   the training material?

13          A.   Yes.  This is like your final  
14   receipt at the end of the year for all the  
15   training you've had for the year.

16          Q.   So do you sign this  
17   contemporaneously, at the same time, when  
18   you take the training or do you sign this  
19   at the end of the year after when the  
20   trainings are all completed?

21          A.   At the end of the year when  
22   everything's completed.

23                So after you -- as you're getting  
24   the training you have to sign off.



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1           **Q. Where do you sign off?**

2           A. There's whatever sheet they have  
3 for that day it's a printout and a list of  
4 everybody's name. And when you receive  
5 the package and it's explained to you, you  
6 have to sign off saying you received the  
7 training.

8           **Q. So on the date that you receive the**  
9 **training you receive the package of**  
10 **material; is that right?**

11          A. Yes.

12          **Q. Do you always receive materials of**  
13 **the training?**

14          A. Like I said, it's going to be  
15 either paper, video or paper and video.

16          **Q. Okay. So you typically receive**  
17 **some type of paper with the training?**

18          A. Right.

19          **Q. And you sign some type of sign-in**  
20 **sheet the day that you receive the**  
21 **training; is that right?**

22          A. Yes.

23          **Q. And do you know -- who do you give**  
24 **that sign-in sheet to?**

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1       A. The sergeant or corporal, whoever  
2       is doing that. I don't know who actually  
3       collects that. But I know either the  
4       sergeant or the corporal has that and  
5       makes sure everybody has their training  
6       and receives it and signs it.

7       **Q. Do you know if anyone cross**  
8       **references this 2014 training material or**  
9       **receipt/record document with the sign-in**  
10       **sheet to make sure that people saying that**  
11       **they received a certain training actually**  
12       **signed in on the day that the training**  
13       **occurred?**

14       A. I don't know. That's like -- that  
15       would be a corporal or --

16                   THE COURT REPORTER: That  
17       would be a what?

18                   THE WITNESS: That would  
19       be a corporal or supervisor.

20       BY MS. LASTOWSKI:

21       **Q. So this is your signature in the**  
22       **signature column?**

23       A. Yes.

24       **Q. Under supervisor's initial, it**

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1 looks like it says, MD; is that right?

2 A. Yes.

3 Q. Who is M.D.?

4 A. No idea.

5 Q. You don't know who this supervisor  
6 is?

7 A. No.

8 Q. So did this supervisor watch you as  
9 you signed this document or did you sign  
10 it and then turn it over to M.D.?

11 A. I signed it and turned it over.

12 Q. If you can turn for me to D374,  
13 which is the third page of this document.

14 If you look one, two, three, four,  
15 five, six lines from the bottom the date  
16 is August 29th, 2014.

17 Do you see that entry?

18 A. August 29th?

19 Q. Yeah.

20 A. Okay.

21 Q. You've got it?

22 A. Complaints Against Police?

23 Q. You've got it, yes. So we have  
24 Directive Number 127 - Complaints Against

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1 the Philadelphia Police Department.

2 So if we turn back to Exhibit-8,  
3 which is Directive 12.18 -- if you have  
4 that in front of you.

5 So we had looked earlier that the  
6 effective date of Directive 12.18 is  
7 August 29th, 2014; is that right?

8 A. Yes.

9 Q. It was issued on August 29th, 2014  
10 and effective as of that date; correct?

11 A. Correct.

12 Q. And it looks like if we turn back  
13 to Exhibit-11, an entry that we were  
14 looking at, you received some type of  
15 training on August 29th, 2014 on this  
16 directive; is that right?

17 A. Yes.

18 Q. And can you -- if you have  
19 Directive 12.18, Exhibit-8 in front of  
20 you, we had confirmed that that policy was  
21 updated on May 15th, 2015; is that right?

22 A. Yes.

23 Q. Let's turn to Exhibit-11, the page  
24 that's Bates stamped D378 on your training

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1 record.

2 Back to your training record.

3 A. All right.

4 Q. If you could turn to the page that  
5 has D378 in the bottom right-hand corner.

6 A. Yeah.

7 Q. And the one, two, three, four,  
8 fifth entry from the top, it's an entry on  
9 May 15th, 2015. Complaints on --  
10 Directive 127.

11 A. Yep.

12 Q. Directive 127, Complaints against  
13 the Philadelphia Police Department.

14 Do you see that?

15 A. Yes.

16 Q. It looks like you received training  
17 on the date the directive was issued and  
18 effective, on August 29th, 2014; correct?

19 A. Right.

20 Q. And you received training again on  
21 May 15th, 2015, the date on which the  
22 directive was updated; is that right?

23 A. Correct.

24 Q. Describe in as much detail as you

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1    **can for me the substance of the training**  
2    **you received on August 29th, 2014 on this**  
3    **directive?**

4       A.   What are you talking about the  
5   package that I received?

6       **Q.   Yeah.   Yes?**

7       A.   Normally, what happens is we  
8   receive, it's like a package.  It's like  
9   every few of these -- like let's say the  
10  month of it you'll receive that whole  
11  package.

12       **Q.   So, for example, while we're**  
13   **looking at the May 15th, 2015 date, it**  
14   **looks like there were a few amendments to**  
15   **different directives; an amendment to**  
16   **directive on complaints against the**  
17   **Philadelphia Police, an amendment on**  
18   **police and suspect photographs.  And it**  
19   **goes on.**

20            **Would you have received all of**  
21   **these amendments in a packet on May 15th,**  
22   **2015?**

23       A.   No.  That be like, basically, at  
24   the end of the month they'll usually give

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1 you the package and then they'll give you  
2 a list of what you have to sign off.

3 So it's kind of like this, but it's  
4 a shorter version of what they give you in  
5 the month. And let's say on that day,  
6 they would have -- the sergeant would  
7 address at roll call.

8 Q. Okay. So even though the date here  
9 reads May 15th, 2015, you may not have  
10 received the directive and the training  
11 for a couple of weeks after that?

12 A. Right.

13 Q. Do you have any independent  
14 recollection of the August 2014 or May  
15 2015 training on this directive?

16 A. No.

17 Q. Can you tell me who ran the  
18 training?

19 A. No.

20 Q. Can you tell me how long the  
21 training lasted?

22 A. No.

23 Q. Did you receive any training  
24 materials outside of copies of the

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1     **directive?**

2           A.   Outside of copies of the directive?

3   I don't remember. I mean as I said, when

4   something new comes out at roll call the

5   sergeant addresses it, he talks about it.

6   If it's something super important he'll

7   read it out loud. Other than that, he'll

8   tell you what it's about and then you come

9   up and you pick up a copy of it and you

10   have to sign off on it.

11           **Q.   So sometimes it's run by the**

12   **sergeant, is that what you said?**

13           A.   Whoever is doing roll call.

14           **Q.   So the person doing roll call will**

15   **sometimes read the directive start to**

16   **finish if it's really important?**

17           A.   Yeah. It doesn't happen, though.

18           **Q.   Do you recall if the person running**

19   **roll call, in August 2014, read Directive**

20   **12.18 out loud?**

21           A.   I don't recall.

22           **Q.   And same question for the August**

23   **15th, 2015?**

24           A.   I don't recall. It's too long ago.



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1           **Q. How do you remind yourself of**  
2           **what's required when a citizen calls in**  
3           **with a complaint? Do you have any**  
4           **checklist? Do you have a copy of the**  
5           **directive at any work station or anything?**

6           A. I mean every is all on our  
7           computer. So if we really need to go  
8           touch up on something that we we're unsure  
9           of we can look on the computer. All of  
10          the records are posted there and they're  
11          updated.

12                   And if anything, we call  
13          supervisors to ask for guidance and  
14          direction if we need it.

15          **Q. Do you recall the last time you**  
16          **consulted your computer database to look**  
17          **at Directive 12.18?**

18          A. Specifically?

19          **Q. Yeah.**

20          A. I don't know.

21          **Q. Do you know if you've ever looked**  
22          **at Directive 12.18 on your computer?**

23          A. Complaints against police, no.

24          **Q. Do you recall ever receiving any**

Michael Navedo  
September 11, 2018

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1 training since May 5th, 2015 on Directive  
2 12.18?

3 A. I don't recall.

4 Q. Does the police department perform  
5 any compliance audits to see if their  
6 officers are following different  
7 directives and commissioner memorandum?

8 A. An audit? I mean Internal Affairs  
9 is always doing something.

10 Q. Have you ever personally been  
11 observed receiving and responding to a  
12 citizen's complaint by a supervisor?

13 A. I'm sorry. Say that again.

14 Q. Has a supervisor ever observed you  
15 for purposes of evaluation receiving a  
16 citizen's complaint and seeing how you  
17 respond to it for compliance with  
18 Directive 12.18?

19 A. No. Because we don't take  
20 complaints. Supervisors do. So we're not  
21 going to -- you're not going to see us sit  
22 there and --

23 Q. No. Just really quickly, flip back  
24 to Exhibit-8, which is in front of you,

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1 the Directive.

2 That second sentence we read  
3 Philadelphia Police Department personnel  
4 shall -- and then we talked about informed  
5 a citizen of the complaint procedure and  
6 then refer them to a complaint location;  
7 correct?

8 A. Right. That's the supervisor's  
9 job.

10 Q. But this sentence, the Philadelphia  
11 Police Department personnel.

12 Do you fall in the category of  
13 Philadelphia Police Department personnel?

14 A. Yes, I do.

15 Q. I don't have any --

16 A. I mean --

17 Q. -- further -- go ahead. Please  
18 finish your answer.

19 A. For example, if somebody wants to  
20 file a complaint on the street. Sure he  
21 can file a complaint. I'll get a  
22 supervisor over here and you can file with  
23 him. If not, you can go to the district  
24 and find a supervisor there. And they'll

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1 give you a copy of the paperwork that you  
2 have to fill out.

3 Q. Sir, I think I understand what  
4 you're saying. A citizen couldn't say to  
5 you, I want to file a complaint, and  
6 you're going to receive that information  
7 and process the paperwork.

8 A. Correct.

9 Q. There's a formal procedure you have  
10 to follow and you are not the start and  
11 end point; correct?

12 A. Right. I reference people. That's  
13 what I do. That's all I do. I don't  
14 actually take that.

15 Q. Okay. I understand.

16 MS. LASTOWSKI: I don't  
17 have any other questions right  
18 now.

19 Tara?

20 MS. FUNG: I have a couple  
21 of questions. It's going to be,  
22 like, three.

23 BY MS. FUNG:

24 Q. This incident occurred about three

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September 11, 2018

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1     **years ago; is that correct?**

2           A.   Yes.

3           **Q.   Standing here today are the events**  
4     **as fresh in your mind as say a month or**  
5     **two after the incident?**

6           A.   Absolutely not.

7           **Q.   And since this incident about how**  
8     **many different custody disputes have you**  
9     **responded to?**

10          A.   Custody disputes?

11          **Q.   Any sort of dispute?**

12          A.   Hundreds.

13          **Q.   And is it uncommon for officers to**  
14     **back up a supervisor when they're called**  
15     **out to a scene?**

16          A.   No.

17          **Q.   Why is that?**

18          A.   Just to -- officer's safety, Number  
19     1.   And, also, to clarify anything with  
20     the supervisor.

21                         MS. FUNG:   I think that is  
22                         it.

23     BY MS. FUNG:

24           **Q.   Oh, you were asked by Attorney**

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1 McClam about disciplinary actions and you  
2 referenced a noise complaint issue; that  
3 one issue you responded to about a noise  
4 complaint.

5 Do you remember what the outcome of  
6 that investigation was, meaning were the  
7 findings against you sustained?

8 A. I don't recall that. I just  
9 remember that I got a counseling memo. It  
10 was in district.

11 MS. FUNG: Off the record  
12 a minute.

13 (Discussion was held off  
14 the record.)

15 BY MS. FUNG:

16 Q. I'm going to show you what has been  
17 previously marked as D353.

18 MS. FUNG: This has been  
19 turned over to counsel. This is a  
20 copy of the summary for the  
21 incident.

22 Do you remember receiving  
23 it?

24 MR. MCCLAM: Sure.

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1 BY MS. FUNG:

2 Q. Can you state --

3 MS. LASTOWSKI: Are you  
4 going to mark this as an exhibit?

5 MS. FUNG: Yes. We can  
6 mark this as 12.

7 (Whereupon the document  
8 was marked, for identification  
9 purposes, as Exhibit Navedo-12.)

10 BY MS. FUNG:

11 Q. Officer Navedo, can you state what  
12 this document is?

13 A. It's a complaint of Francisco  
14 Ortega. To Internal Affairs.

15 Q. Can you briefly just review the  
16 allegations against you?

17 A. Should I read the whole thing?

18 Q. Just review it briefly.

19 A. Out loud?

20 Q. No. To yourself.

21 After briefly reading that, is this  
22 the complaint -- the noise complaint that  
23 was referenced earlier?

24 A. Yes.

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1           Q.   Now, I want to take you to the last  
2   page, where the findings are.

3           And do you see the conclusion?

4           A.   Yes.

5           Q.   Can you read that sentence?

6           A.   Do you mean the top?

7           Q.   Yes.

8           A.   Officer Stephen Robinson and  
9   Officer Navedo are exonerated of the  
10   allegation of lack of professional  
11   service.

12          Q.   Thank you.   So that would mean  
13   there were no sustaining -- sustained  
14   against you regarding that incident?

15          A.   Correct.

16                   MR. MCCLAM:   Object to  
17                   form.   Leading.

18                   MS. FUNG:   Thank you.  
19                   That's all I have.

20                   MR. MCCLAM:   I have a  
21                   couple of clarification questions.

22   BY MR. MCCLAM:

23          Q.   How many custody disputes have you  
24   responded to since September 2015?



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1 A. I don't know.

2 **Q. Dozen, 50?**

3 A. I'm going to say -- I don't know.  
4 I don't know, 50, hundred. I don't know.

5 **Q. Have you ever ordered the transfer**  
6 **of custody from one parent to another?**

7 A. I've asked. Never ordered.  
8 They're not orders. Whatever it's written  
9 in the papers from the judge, I'm telling  
10 them or reminding them what the orders  
11 are, and what's being said and what's  
12 agreed upon. If not they have to go back  
13 to court and take it back up to them. I'm  
14 not going to order anybody to do anything  
15 because we can't technically do anything.  
16 That's up to a judge. You have to go back  
17 and fight that in court. That's what I'm  
18 saying.

19 MR. MCCLAM: No further  
20 questions.

21 MS. LASTOWSKI: Nothing  
22 for me.

23 - - -

24 (Witness excused.)

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**September 11, 2018**

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- - -

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(Whereupon, the deposition

3

concluded at 1:44 p.m.)

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C E R T I F I C A T I O N

I, JO-ANNE M. BOSLER, a  
Professional Court Reporter and Notary  
Public, do hereby certify that the  
foregoing is a true and accurate  
transcript of the stenographic notes  
taken by me in the aforesaid matter.

DATE: SEP 26 2018

Jo-Anne M. Bosler  
JO-ANNE M. BOSLER

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